

1999 in Review

January

Joel Callison re-elected County Commission President; Aeta Griffith, first woman elected to the Commission, takes her seat
Snowshoe opens new ski run, Shay's Revenge
Bomb threat at Marlinton Middle School; decision not to evacuate the school causes parent concern
Robinson home destroyed by fire

Jerome Heinemann's lawsuit on tannery land dismissed; appeal filed
State Police Trooper D. W. Bland killed in vehicle accident on Rt. 39 near Huntersville

Commission considers new auction for tannery property and a bike trail in the Slaty Fork area
Jacob Beard's request for a new trial for the Rainbow murders granted

Corps of Engineers begins survey work for Marlinton flood control levee project
New observation tower under construction at Droop Battlefield State Park

1998 may have been the warmest year in Pocahontas County since records have been kept
Winter arrives in early January, but unseasonably warm temperatures returns returns the middle of the month; ice goes out and river runs full

Candidates file for town elections
County Commission agrees to fund Prosecuting Attorney for new Beard trial; puts tannery land back for sale; tannery clean-up estimated at \$1.1 million; selects engineer to study Slaty Fork trail project

February

Inez Horner, 101 years old
Plans to expand quarry near Linwood draw opposition; Snowshoe against; County Commission supports; large turn-out for DEP hearing

Despite warm weather, Snowshoe remains 100% open; winter weather returns
School Board commits to Slaty Fork school, if someone else pays for it

Hazel Vandevender, 90 years old
Beard case on 60 Minutes II

Jermone Heinemann files suit against Walter Helmick and Dana Moyers over use of \$50,000 grant for flood control work in Bartow area

Tank truck overturns on Elk Mountain, diesel fuel seeps into ground and pollutes water in springs at fish hatchery
Durbin received COPS grant

Marlinton Middle School Principal Sue Hollandsworth resigns and then withdraws resignation
Marlinton Middle boys and Green Bank Middle girls win county basketball tournament

Earl Vance home destroyed by fire; Teter home near Minnehaha Springs badly damaged by fire
County Math Field Day held
Marlinton Rescue Squad receives Superior rating from the state

March

Winter weather arrives as March comes in like a lion with about half of the snow for the entire winter
Arrests made in vandalism in Marlinton and southern Pocahontas area

Contractor selected for East Cass flood mitigation project
Snowshoe celebrates 25th anniversary
Nelia McLaughlin, 99 years old

Board of Education gets \$290,000 grant for post secondary education classes
County Commission puts Slaty Fork trail project on hold

Drop in enrollment forces Board of Education to reduce staff
West Virginia Power customers oppose rate increase and criticize service at PSC hearing
Corps of Engineers reviews flood control options for Marlinton residents

Natasha McMann and Patrick Brandt win Golden Horseshoes
Pearl Dille, 93 years old
Austin and Eula Sharp, 50th anniversary

County Social Studies Fair held
Work on water project in Marlinton begins
Annual FFA Ham, Bacon and Egg Show held

April

First National Bank becomes City National Bank
Snowshoe closes after having second best ski season
Jonathan Wilkins in State Geography Bee

Two hikers lost in Tea Creek area
Davis home on Rt. 92 destroyed by fire
New trial of Jacob Beard for Rainbow murders set for February 2000

Tannery site sells for \$100,000; only one bidder
Emma Beard, 90 years old
William Leary resigns from the Board of Education

Harold Garretson home on Violet Road destroyed by fire
Tory and Jesse Mace, 65th anniversary

PSC hearing held on County Disposal Service application to provide green box service

PCHS foreign language students winners at Bethany College Foreign Language Day
Weather warmer and drier than normal for April

May

Marlinton election campaigning underway
Snowshoe sells 38 units in new Highland House development
Lodge Building in Marlinton, center of controversy; sold to Jay Perry

Contract for new Marlinton library awarded to Worlledge Construction
Sheriff's office receives COPS grant
Moffett and Elma McNeel, 50th anniversary

Glen Wade appointed principal at Marlinton Middle School
Durbin Manor to close by June 30
Core drilling for levee project underway in Marlinton

Lowell Galford selected as new Board of Education member
Trend of warm and dry weather continues
Margaret Clark receives Girl Scout Gold Award

11th annual County Foreign Language Festival held
Pocahontas County High School graduates 29th class
Town elections held, all three incumbent mayors win

Marlinton water extension project dedicated with Gov. Underwood present
School year ends earlier than planned due to threat of lawsuit by the W. Va. Education Association
PCHS and NRAO win Gold Star for their school/business partnership

Pearl Ward, 100 years old
Construction begins on new McClintic Library building
Fred and Larry Burns named Master Entrepreneurs

West Virginia Historical Heritage Pageant held; Kelly Smith chosen queen
CCC memorial at Watoga State Park dedicated
Drought conditions become serious

French students visit the Caribbean Island of St. Martin
12th annual Cass Homecoming held
Second annual Little Levels Heritage Fair held

Pam Lund named "Master Artist" in folklore apprenticeship program
County 4-H members winners at State 4-H Day
Greenbrier Hotel building in Durbin may have to be torn down as fire hazard

July

Carrie E. Darnell, 97 years old
Bertha Peyton, 90 years old
Mr. and Mrs. Harold Crist, 50th anniversary

33rd annual Pioneer Days held; Shiela Kramer chosen as Miss Pocahontas
12th annual Durbin Days held; Erika Bailey selected as Miss Durbin Days

Juveniles questioned on breaking and vandalism in the Brush Country
Timberline Lodge, one of the oldest buildings at Snowshoe, torn down to make way for new Highland House

County Disposal denied permit by PSC for green box trash collection system
7th annual "Fire on the Mountain" Chili Cookoff held at Snowshoe
Bike Night held in Marlinton

140 foot telescope at NRAO shut down; feed arm completed on new Green Bank telescope
Forrest Cupp, of Fostoria, Ohio, killed on Rt. 66 in motorcycle accident

Deed for W. Va. Shoe property in Marlinton declared void
Hearing held on case against Helmick and Moyers
Moffett McNeel Family receives 1999 Heritage Farm Award

National Youth Science Camp conducts annual session
Rev. Stanley Clark new minister at the Marlinton United Methodist Church

August

Dry weather continues
PCHS Forestry Team first in National 4-H Forestry Invitational
Doug VanGundy wins \$250,000 on "Who Wants to be a Millionaire" TV show

4-H and FFA livestock show held
County Commission rejects bid for tannery property; to apply for ARC grant to complete the environmental cleanup of the site

West Virginia Symphony holds annual performance at Snowshoe
First hookups at Edray on new water system

September

Fred Hefner, 90 years old
Gardner Shoe takes over operations at West Virginia Shoe
Allegheny Power Company announces plan to acquire West Virginia Power

Roger Gelis charged with the murder of Melba Fitzgerald
Work to widen curves on Price Hill underway
Student makes threat at Marlinton Middle School

13th annual Autumn Harvest Festival/Road Kill Cookoff held
Rev. Bryan Treadway new minister at Grace Baptist Church
New locomotive in operation on Cass Scenic Railroad

Former Markwood Gum home near Arbovale destroyed by fire
Precipitation 7.6 inches below normal for the year
Edna Bear, 92

Alice Dever, 101 years old
Neva Plyler, 96 years old
Rimfire Lodge at Snowshoe opens
Public Service Commission holds hearing on green box trash collection service in the county

Hearing held for Rainbow murder case pre-trial motions
Greenbrier River Trail named a Millennium Legacy Trail
David Hamrick new Postmaster at Slaty Fork

Keith Corley killed in vehicle accident on Rt. 39 near Huntersville
Tom Burns resigns from Marlinton Town Council; Corps of Engineers reports on flood control project
Precipitation now 8.01 inches below normal

PCHS Forestry Team takes first place (for the fourth time) at the FFA national convention
James Campbell killed in vehicle accident near Edray
Hearing held on proposed management plans for Calvin Price and Seneca State Forests

Additional hearing on Rainbow murder case
Snowshoe opens for the ski season
Ken Rago new Ranger on the Greenbrier District

November warmer than usual and precipitation remains below normal
Grand Jury indicts Gelis for murder
Board of Education considering staff reductions due to declining enrollment

Change of venue sought by defense in Rainbow case
Robin Mutscheller new member of Marlinton Council
Forest Service proposes rules for roadless areas in national forests

Division of Environmental Protection issues permit for quarry expansion near Slaty Fork
Rachel Barb wins Horatio Alger Award
Marlinton holds First Night celebration to bring in the new millennium

December warmer than normal with below average snowfall; 1999 warm and dry overall

December

Births
1998
December
25 - Christopher Ryan Rago, Jr.

1999
January
1 - Austin-Robert Dale Sharp
4 - Trenton Wayne Brewer
6 - Alexandria Lee Burns
9 - Tiffany Ann Hoover
12 - Caleb Alexander Rabel
19 - Bradley Isaac Harper
23 - Dawson Kyle Hannah
27 - Tyler James Rataiczak

February
17 - Isaac Kage Pritt
17 - Jonathan Jacoby Gore
18 - Madelyn Leigh Lawrence
19 - Haillie Mae Garretson
24 - Kevin Allen Bennett

March
5 - Kendal Lee William Ober
11 - Erica Dawn Beverage
12 - Sean Sharp
15 - Justin Loyd Ames
15 - Austin Dale Duican
29 - Ryan Michael Puffenbarger

April
5 - Makayla Dawn Williams
7 - Skylar Warren Tincher
12 - Kelsey Dawn Brooks
22 - Justin Ray Hendrick
22 - Lindsey Nicole Hertzell
30 - Thomas Edward Varner

May
5 - Cade Anthony Samons
8 - Katlyn Dawn Phillips
15 - Tessa Ann Jordan
15 - Mary Cameron Kelley
26 - Martina Harlen Gibson & Kristin Lynn Gibson
27 - Connor Anderson Pyles

June
3 - Lauren Michelle Shisler & Waylon Michael Shisler
6 - Trace Lee McKenney
11 - Brianna Marie Sharp

July
13 - Kaleb Robert Dille
15 - Dylan Dickson Workman
20 - Sidney Elizabeth Rose
31 - Bridget Lynn Carroll

August
4 - Kara Ann Hill
5 - Jacob Michael Pyne
5 - Jason Matthew McPeak
10 - Carrie Renee Ervine
21 - Megan Joy Livesay

September
1 - Madison Suzanne Weese
17 - Walker Davis Todd
30 - Dorion Vaughn Biggs

October
15 - Faith Marie Gordon

Continued to page 3

Deaths in 1999

November
3 - Louise Curry Kohlman
December
31 - Luther W. Hull, 80
1999

January
1 - Mrs. Edith Dean Cain, 78
1 - Mrs. Lillian McWorter McClure, 85
2 - Mrs. Mary Shafer Shaw, 83
2 - Mrs. Ollie Waybright Elza, 95
4 - Marie O. McCoy, 76
7 - Mrs. Altha Hoover Rexrode, 87
8 - Floyd E. Bussard, 62
11 - Terry E. Armentrout, 70
15 - Mrs. Luella Vaughan Pennington, 66
15 - Mrs. Cora Gibson Beale, 89
19 - Clyde Woods, 85
19 - Rev. Coy Mathews, 98
19 - Herbert H. Morrison, Jr., 65
21 - Mrs. Freda Hoover Marshall, 86
22 - Crede T. Dunbrack, 75
24 - Mrs. Leah Painter Harouff, 75
28 - Jerry L. Kerr, Jr. 32
29 - James H. Herald, 80
30 - Mrs. Ruby Barkley Stimeling, 74
30 - Mrs. Letha Alderman Terry, 73
30 - William H. Stull, Sr. 82
31 - Mrs. Wanda Friel Reed, 57
February
3 - Mrs. Marnett Smith Hancock, 79
3 - Harry F. Duncan, 96
4 - Joyce M. Mick, 68
4 - Mrs. Ruth Moore Speck, 61
6 - Mrs. Marilyn Gum Lambert, 63
8 - Mrs. Grace Morrison Doss, 84
10 - Mrs. Audrey Rose Woods, 80
10 - Chris E. McLaughlin, 36
11 - Mrs. Eula Cassell Ervin, 70
11 - Mrs. Arlene Withers Camper, 84
14 - Mrs. Maud Barnes Bumgardner, 95
16 - Peggy A. Pennington, 47
19 - Mrs. Mac Snyder Gillispie, 83
20 - Evans G. Grimes, 81
20 - John P. Arbogast, 78
20 - E. D. Strickler, 74
21 - William L. Begley, 88
22 - Rev. Virgil Shrader, 70
24 - LaMax I. Fitzgerald, 75
25 - Mrs. Evelyn Fertig Higgins, 85
26 - Steryl L. Brown, 79
27 - Jesse B. Tracy, 72
March
1 - Mrs. Alma Foe Shinaberry, 88
2 - Mrs. Mary Hannah Griffith, 78
2 - Donald R. Cain, 46
2 - Neuman Fitzgerald, 87
3 - Robert H. Moss, 68
4 - Roy L. Campbell, 67
5 - Mrs. Juanita Sheets Sheldon, 81
6 - Mrs. Virginia M. Circosta, 73
7 - Mrs. Anna Anderson Kinnison, 78
8 - Mrs. Mary Wheeler Wilfong, 100
8 - Dewey E. Ross, 61
11 - Mrs. Stella Noonan Tallman, 78
15 - Jamie E. Darnell, 96
17 - Harry L. Spitzer, 79
19 - LeRoy A. Livesay, 82
19 - Mrs. Bessie Frazier Beverage, 89
20 - Mrs. Cleo Cassell Harper, 83
20 - Mrs. Patricia Clendenen McClements, 76
21 - Mrs. Virginia Wiley Switzer, 72
21 - Mrs. Gladys Gillispie Shears, 89
23 - Mrs. Mae Gay Corbett, 81
23 - Alfred W. Zelinsky, 73
23 - Lyle Y. Hively, 75
24 - Mrs. Nora Calhoun Arbogast, 84
24 - Mrs. Georgia Varner Dumire, 82
24 - Edward T. Stewart, 82
25 - Samuel T. Painter, 66
27 - Mrs. Martha Edgar Townsend
29 - Luster C. McCutcheon, 84
30 - Fred J. Sharp, 65
31 - Mrs. Viola Galford Lantz, 75
31 - Mrs. Sally Arbogast Ervin, 81
April
1 - Mrs. Icie Rexrode Murphy, 87
2 - Glen A. Gibson, 60
4 - Rev. Delbert V. Underwood, 90
4 - J. Marvin Wimer, 86
5 - Mrs. Estella Halterman Bennett, 93
7 - Lee J. Syms, 83
8 - Wilma L. Galford, 82
12 - Mrs. Iva Hedrick Vandevander, 77
14 - Mrs. Opal Barrett Cook, 69
15 - Mrs. Charlotte Titman Dilley, 61
20 - Stanley H. Shears, 70
21 - James D. Kershner, 66
26 - Kline F. Lovelace, Sr., 82
27 - Mrs. Emma Rogers Skaggs, 86
29 - Jack F. Smith, 82
May
2 - Grey Landis, 78
3 - Mrs. Barbara Kirk Camden, 64

6 - Mrs. Mandy Townsend Cain, 71
8 - Clyde McMillion, 83
9 - Mrs. Margaret Bobbitt Hill, 70
10 - Mrs. Jeannette Palmer Broyles, 72
10 - Ida Boggs, 86
10 - Kimberly L. Fitzgerald, 33
11 - Mrs. Bertha Hamrick Barlow, 96
14 - Mrs. Mary Rose Moore, 71
14 - Harold Lewis, 64
16 - Mrs. Lorraine Hicks Boggs, 75
16 - Hubert J. Sharp, 71
17 - Mrs. Clara Sutton Smith, 67
18 - Henry A. Shinaberry, 74
19 - Glenn W. Callison, 81
20 - Porter D. Kellison, 66
21 - Mrs. Sondra Simmons Sprouse, 59
23 - Mrs. Irene Jones Kisner, 74
25 - Dallas E. Beverage, 34
29 - Mrs. Argeia Lovelace Hughes, 25
29 - Thomas H. Harris, 56
June
1 - Mrs. Ruth Vandevander Pugh, 79
2 - Mrs. Grace Barkley Turner, 70
2 - Mrs. Delores Wright Gillispie, 79
4 - William C. Shifflett, 63
7 - Rev. Johnnie H. Meadows, 53
12 - John W. Miller, 85
15 - Mrs. Clara Mitchem Garretson, 84
20 - Chadwick H. Prichard, 82
20 - Mrs. Goldie Moss Turner, 75
21 - Mrs. Betty Nunley Cloonan, 71
21 - Mrs. Pearl Wilfong Dilley, 93
26 - William J. Taylor, 78
27 - Mrs. Trudy Grimes Harlow, 71
27 - Percy O. Hansford, 77
July
4 - Mrs. Grace Graham Sharp
14 - Arthur A. Cain, 75
16 - Eugene P. Dilley, 74
20 - Mrs. Tammy O'Dell Clevenger, 30
21 - Mrs. Emma Cromer Siple, 79
23 - Snowden Galford, 85
23 - Robert H. Brown, 71
24 - John W. Weatherholt, 59
25 - Mrs. Regina Lynch Combs, 48
25 - Mrs. Blanche Cromer Elbon, 98
29 - Thomas F. Bell, Jr., 75
31 - Jasper W. Woollard, Sr., 72
August
4 - Mrs. Pearl Galford Brown, 57
6 - William T. Rock, 83
7 - Ulreca G. Shultz, 68
10 - Mrs. Mildred Rose Shortt, 85
12 - Mrs. Vella Biggs Hess, 78
13 - Robert L. Miller, 91
17 - Omar A. Bowyer, 72
17 - Michael A. Filuta, 72
18 - Nelson A. Bruffey
21 - William B. Thomas, 72
22 - Mrs. Ramona Wooddell Sharp
23 - Mrs. Opal Sharp Dunford
24 - William A. Ervin, 76
25 - Mrs. Wynona Sparks Rogers, 61
29 - Roger L. Cassell, 50
29 - Mrs. Mildred Walker Brown, 72
30 - Gilbert M. Peery, 79
30 - Mrs. Leafie Bennett Lambert, 91
September
6 - Mrs. Macel Keener Harris, 94
7 - Harvey L. Warren, 74
8 - Mrs. Melba Hickson Fitzgerald, 41
10 - Phil J. Nelson, 78
18 - Mrs. Jean Fertig Hannah, 71
20 - Mrs. Lottie Halterman Moore, 88
21 - Mrs. Diana King Vaughan, 47
21 - Mrs. Annie Burgess Sharp, 80
21 - Mrs. Martha Sprouse Wyatt, 64
22 - Launa S. Barkley, 12
26 - Ben B. Brewster, 57
29 - Eskell L. Rudd, 84
29 - Oscar R. Friel, 85
30 - George T. Filuta, 69
October
1 - James A. Tyree, 80
5 - Mrs. Rawna Angus Bosley, 52
7 - Mrs. Georgia Wooddell Whiting, 88
8 - H. Oren Waugh, 81
9 - Mrs. Shirley Tracey Sharp, 61
11 - J. Walter Mason, 94
15 - Mrs. Terrie Glover Conner, 47
15 - Mrs. Dorothy Irvine Dempsey, 73
17 - Hubert A. Lewis, 95
19 - Mrs. Elva Potter Wooddell, 72
19 - Mrs. Berry Phillips Miller, 87
20 - Roy L. Brock, Sr., 88
22 - Randolph M. Bledsoe, 81
23 - Mrs. Mary Chestnut Perry, 81
27 - Clyde C. Hively, Sr., 88
27 - Keith M. Corley, 39
28 - Mrs. Madge Dilley Hill, 85
November
1 - Lonnie L. Malcomb, 58
3 - Mrs. Frances Cole Taylor, 82
3 - Mrs. Ernestine Hamrick
Clarkson, 76

4 - William M. Boggs, Jr., 73
4 - George W. Chappell, Jr., 75
6 - Thomas P. May, 64
7 - James M. Campbell, Jr., 21
8 - Mrs. Mazie Sage Hannah, 88
12 - Thurl W. Gary, 86
12 - Mrs. Charleen Swearingen Howard, 81
13 - Mrs. Wilma Hudson Smith, 85
15 - Millard D. Anderson, 86
16 - Hiner Waybright, 82
16 - Eugene R. Dunbrack, 72
23 - Mrs. Edith White Wooddell, 75
23 - James W. Driver, 48
24 - Jon A. Congdon, 59
25 - Ralph C. John, 80
28 - Leland W. Wooddell, 81
December
1 - Mrs. Gustava Tracy Hiner, 89
3 - Clyde A. Rogers, 86
4 - Mrs. Gladys McCarty Moore, 88
4 - Mrs. Joyce Nottingham Allen, 67
11 - Joseph L. Cassell, 66
11 - Kay L. Grimes, 64
16 - Homer E. Stanley, 69
24 - Mrs. Arlis Burr Parsons, 75
25 - Mrs. Ena Hill Beverage, 26
26 - David A. McLane, 72
31 - Mrs. Phyllis Pyles Hamrick

Births cont. from page 2

19 - Stephanie Ann Adkison-Sacca
20 - Aaron David Pritt
November
10 - Morgan David Hise
16 - Nathan Zane Morrison
22 - Cicra Nicole Gibson
December
10 - Paulena Marie Schoolcraft
13 - Canessa Marie Parker
14 - Spencer Pierce Nottingham
15 - Sabrina Kay Gravely
30 - Katie Marie Gibson

Siler graduates from law school

Katherine Siler, daughter of Luther and Diana Siler, III, of Lexington, Kentucky, has graduated from the University College of Law, Lexington, Kentucky. She is a graduate of Centre College, Danville, Kentucky, with a Liberal Arts degree in Secondary Education. In 1995-96 she served as an Americorp Volunteer with the Boyle County Board of Education. She was licensed to practice law, in October 1999, in the State of Kentucky. She is currently manager of the Fayette County Bar Association Pro Bono Program in Lexington, Kentucky. Siler is the granddaughter of Naomi Wansley, of Elkins, and the late Robert Wamsley, Sr. Her maternal grandparents are the late Frank B. Kayes and Clara Dunbrack Kayes, both former residents of Pocahontas County.

Hot Dog Sale

Marlinton Church of God
(Beard Heights)
Friday, January 21
11 a.m. - ?
Sponsored by Women's
Ministries
Call-ins accepted 799-4817

Allegheny Mountain R
1370 AM, 89.7 FM, 103.5 FM
presents

"Living History"
with LeAnna Alderman

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Letters to the Editor

Dear Editor:

It is with much interest that I have been reading the recent columns and letters concerning the use/abuse of Ritalin. So far, the opinions that have been presented raise more questions than they answer. How many students in Pocahontas County schools are being prescribed Ritalin? Who profits from this? Has anyone considered how sophisticated the marketing strategies of the pharmaceutical corporations have become?

On the one hand Mr. Worth tells us that Ritalin is being abused at a high level by youth and adults in the county, and on the other hand claims that the number of youth being treated with Ritalin is very low. What is wrong with this picture? If the information that is quoted from JAMA 04-07-98 is accurate if applied to Pocahontas County schools then only about 40 students would be likely to have been prescribed Ritalin if it were done so throughout all 12 grades (3% of 1400 enrollment). I have been told that it is being prescribed mostly to students in the lower grades, so that estimate of 40 students might be cut in half to 20. Would there be such an outcry about this matter, and a high level of abuse if only 20 students were being prescribed Ritalin? I suspect that the percentages are drastically higher. You reap what you sow.

In all that has been written in *The Pocahontas Times* in recent weeks concerning the use of Ritalin in our schools, I am amazed that the word DIET has not once been mentioned. I believe that a great number of behavioral problems that some students exhibit could be solved by changes in their diets. If you don't believe that what you eat and drink everyday has any effect on your mood and behavior, try abstaining from your usual intake of coffee, cola and sweets for a week...

Have we, as a society, reached the point where we choose to dispense drugs to children to maintain discipline in school? "Medicine" as it has come to be practiced these days, often seems to focus on treatment of the symptoms with not nearly enough consideration of the cause. I think that the use of Ritalin in our schools is but another manifestation of that.

Doug Bernier
Warwick

Dear Editor:

In arguing against Waco Stone's quarry expansion permit, Steve Rice of the Snowsloe Resort and others opposed pretend to be interested in protecting the area's scenic beauty, when his company and allied interests are defiling the land with ostentatious houses, condominiums, overpriced stores and restaurants, and associated roads, parking lots, dumpsters, streetlights, and billboards as fast as they possibly can.

They claim to be concerned about road traffic the quarry might

generate, and in the next breath, brag about bringing in tens of thousands of cars and SUV's every weekend.

They claim to be concerned about eventual takeover of the quarry by an "international conglomerate"—like Intrawest, Snowshoe's owner, itself.

My commitment to the principles that made this the greatest country in the world requires that I support Intrawest's right to commit almost any abomination of their choice, on their own land.

But their attempt to deny the same right to their neighbors, and by such an outrageous display of sanctimonious hypocrisy, should not be tolerated.

John M. Leyzorek
Marlinton

Dear Editor:

Last week's article by Gibbs Kinderman was perhaps the most irresponsible article ever written by a school official. Mr. Kinderman would like to remove Ritalin from our school system. He asks, "Does a drug become safe simply because it is prescribed by a doctor." Does this mean he knows each child better than the doctor who prescribed the medication? What other medications does he feel are not safe? Perhaps all medications should be banned from our school. The US Department of Education recognizes ADD as a serious problem and has protected the rights of students diagnosed as ADD by passing the Individuals with Disabilities Education Act (IDEA). The Pocahontas County School System is not in compliance with this act. The latest study conducted at Massachusetts General Hospital in Boston has shown a measurable biochemical abnormality in people with ADD. This abnormality is corrected with the prescription of Ritalin or other similar drugs. Researchers at the National Institute of Mental Health have reported the medication is more effective than behavioral treatment for children with ADD. Each year parents of children with ADD must struggle to educate a new set of teachers to this disorder. When Board of Education members have the views of Mr. Kinderman, it is easy to see why teachers are not better informed. Mr. Kinderman has insulted every parent and caretaker of a child with ADD. Perhaps he should spend some time with a child with these special needs. These children and families have enough problems in life as it is, they do not need to be attacked by someone who does not understand, especially someone in a position of authority. Many disorders that went untreated in the past are now being successfully treated with new-found drugs. Perhaps Mr. Kinderman would like to return to the dark days of the past and leave these disorders untreated. Laws can be passed, but until school officials change their attitudes, families affected by ADD will continue to struggle against the school system.

Jason N. Sharp

Conference—Global Warming

global warming is a problem, and the effects will be devastating." This sentence was repeated and remembered by sixty clergy and lay leaders gathered at Jackson's Mill on December 5th and 6th.

A broad spectrum of faith groups were represented at this conference sponsored by the West Virginia Council of Churches. In a statement prepared for release at the end of the conference the religious leaders declared, "We speak not as members of an environmental movement but as people of faith seeking to be true to God's intentions for Creation. We resolve to 'choose life so that you and your descendants may live.'" (Deut. 30:19)

An Environmental Protection Agency brochure explains the causes of global warming. "We rely on fossil fuels—like coal, natural gas, oil, and gasoline—to power our cars, factories, utilities, and appliances. But burning more and more of these fuels is releasing large quantities of gases such as carbon dioxide (CO₂) and nitrous oxide into the atmosphere. Decaying garbage in our landfills releases methane, another potent gas. All of these gases prevent the sun's energy from escaping back into space. Trapping heat close to

the surface of the earth raises global temperatures, turning our world into a sort of planetary green house."

A graph for CO₂ concentrations in parts per million listed the present concentration at 366. Over the last 1,000 years CO₂'s hovered around 280 mark until the Industrial Revolution in 1800 began the upward spiral.

Research to verify CO₂ concentrations comes from ice core drillings. Dr. Ellen Moseley-Thompson, professor at Ohio State University in Geography (Climatology) has conducted numerous ice core drilling programs in Antarctica, Greenland, China and Peru. She spoke to the group on the hidden history in the ice rings. Besides air bubbles with CO₂ readings, she analyzes dust particles, pollen content, volcanic ash, atmospheric temperature, and yearly net accumulation.

Dr. James Kotcon, Associate Professor of Plant Pathology, WVU, told the conference that the United States is 4% of the world's population and emits 21% of the CO₂ into the atmosphere. He said some plants in West Virginia are already under stress and claimed that the state tree, the sugar maple, could disappear within 200 years if nothing is done to cut CO₂ gas.

Dr. Steven D. Woodruff, a research chemist at the Federal Energy Technology Center in Morgantown, spoke on power plants and the deregulation of electricity. He stated that electricity produced in West Virginia was the third cheapest nationwide. Woodruff claimed that 70% of West Virginia electricity is exported out of state now. Many coal fired plants were grandfathered in under the Clean Air Act of 1970 and are surprisingly still patched and operating. He said Americans waste about one-half of the present electricity produced.

Pas Artaza-Regan is the Environmental Justice Program Director in the Ministry of God's Creation of the United Methodist General Board of Church and Society. She stated the poor of the world will be the first affected by heat waves, storms, floods and disease. She lobbies for legislation in Washington, D. C.

In addition to the author, Allan Johnson was another Pocahontas County resident participating in the conference. We were trained to speak to churches on why global warming is a religious issue and what can be done about the problem. We are available as speakers to local interested churches.

Rainbow Case will move on

After hearing defense evidence that hostile public sentiment exists in Pocahontas and Greenbrier counties against the man convicted in 1993 of the Rainbow Murders and that press coverage of the case before, during and after the trial had created a too well-informed jury pool, Senior Status Judge Charles Lobban granted a defense motion for a change of venue Friday.

Jacob Wilson Beard, who was granted a new trial by Lobban last year, was found guilty by a Greenbrier County jury of the June, 1980, homicides of Nancy Santomero, 19, and Vicki Durian, 26.

The women, from Huntington, Long Island, New York, and Wellman, Iowa, respectively, were traveling to a Rainbow Family Gathering held that year on the Monongahela National Forest. Their bodies were found shot to death at close range beside a rutted lane on Briery Knob in a remote section of southern Pocahontas County.

According to a survey conducted by Charleston-based Ryan McGinn-Samples Research in November, 1999, awareness of Beard is higher in Greenbrier and Pocahontas counties, with 45% of those polled having some to a lot of knowledge of him.

Also, 25% of those polled had a some(what) unfavorable to very unfavorable opinion of Beard, the survey said.

Further, that unfavorable opinion apparently translated into a considerable percentage of people who personally feel Beard is guilty of the murders.

Thirty-five percent of those polled locally believed Beard had murdered Santomero and Durian, the survey said, compared with four percent who said they believe Beard is innocent of the crimes.

Knowledge of the case declined in Kanawha County, where only five per cent of those polled had some to a lot of knowledge about Beard and no one had an unfavorable opinion of the man.

In Kanawha County, only eight percent of those polled said they believe Beard is guilty, but an even lower number—two percent—responded that they perceive he is innocent.

Forty-eight percent of those polled in Greenbrier and Pocahontas counties had read about the case in the newspaper, the survey said.

And that newspaper coverage of the case cast defense attorney Miles Morgan in the easy role of complimenting the present press corps on their work. Morgan noted that the Lewisburg-based newspaper, The West Virginia Daily News, had printed 56 stories about the case, while The Pocahontas Times had printed 45 stories, the weekly Mountain Messenger had 12 stories on the case and The Beckley Register-Herald, 39.

Morgan remarked that the defense had sent a "team" to the archives to collect the articles.

"I had no idea of the level of reporting going on about this case," Morgan said. "There is no issue that has not been canvassed to the last excruciating detail."

"The matters touched on are absolutely, positively prejudicial to the jury," Morgan said.

The defense attorney said descriptions of in camera hearings, the court's comments and lawyer's arguments comprised too much information for a jury pool. "I'll give it to these papers, they've gone and hit everything," he said.

"Given the tortured history this case has had in Greenbrier and Pocahontas counties, given the level of reporting in the print media, how is it possible for Mr. Beard to get a fair trial?" Morgan asked the court.

Lead counsel Stephen Farmer focused on one Pocahontas Times article in particular, February 11, 1999, in which lead investigator Robert Alkire was quoted as saying: "We are bound by law and our own consciences to tell the truth," Alkire said. "Defense attorneys are not."

"That quote implies we run around all the time not telling the truth," Farmer said to the court.

"Disgraceful," he stated in an aside to the press seated directly behind him.

The defense team produced copies of those 152 articles indexed by newspaper and date to supplement its motion.

Prosecuting Attorney Walt Weiford objected to the motion to relocate the case to another jurisdiction.

"The issue is not about who might have heard about the case, but the number of individuals who have formed opinion about guilt or innocence," Weiford said. "Thirty percent in Greenbrier had formed some opinion. I don't know that provides for widespread hostile sentiment."

The State is already at some disadvantage because the case has been moved to Greenbrier County, Weiford pointed out.

Lobban concurred with Weiford's argument—at least initially.

"Publicity alone is not grounds for a change of venue," Lobban said. "(And) some hostile sentiment is not necessarily grounds for a change."

But the judge said that present hostile feeling combined with the level of publicity about the case was enough grounds for a change of venue.

Lobban also said he felt the heightened local publicity could be due to the remote location of the area and the lack of "big" news.

"It's a rural area; we don't have much news," the judge said. "This is big news."

"The danger is you don't know how a juror feels," he continued. "How can we avoid asking a new jury what they've heard?"

Lobban also commented that a sixth grade class he had spoken to in Pocahontas County had heard of the case.

The West Virginia Supreme Court of Appeals will decide where in the state the trial will be held and the scheduled February 8 trial date will be moved into the next term of court.

Lobban said Raleigh, Putnam and Monongalia counties had received other Greenbrier County cases. This case was moved from Pocahontas to Greenbrier County in 1993 because of public sentiment.

The judge did not rule on other motions concerning whether or not the State's new witnesses can testify at the new trial or if Alkire can continue in the case.

"My understanding of the ruling on Kastigar is to suggest it is not the mere exposure, but the use of the evidence," Weiford said. "The State has met its burden and should be allowed the evidence."

The Kastigar issue arose in the first pre-trial motions, but Lobban denied Beard the hearing at that time.

On appeal, the Supreme Court ruled that the hearing should be held and then supported the lower court's ruling that the State had not violated Beard's rights under a 1983 immunity agreement which forbade prosecution unless Beard was to be charged as the triggerman.

The State's objective in this trial is to prove that the new witnesses were assembled without using any information Beard provided while he cooperated with investigators in 1983.

The 53-year old Beard, who has maintained his innocence in the murders since his 1992 arrest, is free on bond.

Magistrate Court

Verlin L. Kelly, of Dunmore, appeared before Magistrate Danith Miller on Thursday of last week on charges of illegal possession of wildlife, trapping out of season, and trapping without a license. He was found guilty on all three and fined a total of \$150 with \$201 in court costs.

Charges of domestic battery against Tina R. Garretson, of Marlinton; domestic battery and fleeing from an officer against James R. Shamblin, of Hillsboro; and battery against Carl E. Smith, of Marlinton, were dismissed on Thursday.

Tracy J. Herring, of Wilmington, Delaware, and Jason C. Burke, of Kelly, North Carolina, were both arrested on Friday by Deputy Sheriff B. C. Totten and each charged with three counts of battery. They were released on Saturday after \$1000 bond was posted for each.



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FIVE GENERATIONS

At a reunion on Beaver Creek last fall, five generations of one family were able to gather for a photo. In this photo are, back row, l-r, Ramona Stephens, Floretta Gordon, both from Stuart, Virginia, and Ron Harris, of Mount Sidney, Virginia. In front Dollie Underwood holds Lauren Harris, with Christine Harris at her side. Also at the reunion were Kevin Harris and children Morgan, Levi, and Kristen.



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P. J. HARPER high atop Mt. Ranier

Harper climbs Mt. Rainier

On August 29, 1999, P. J. Harper, II, saw the sunrise on top of Mt. Rainier. This was his first mountain climbing experience. He trained for 3 months to get in condition for this trip. Mt. Rainier is a 14,411 foot glacier covered dormant volcano. After a day of instruction with ropes, crampons, and ice axes, P. J. climbed to the base camp of 9000 feet, rested, then he and his group left at midnight to climb to the summit. He said it was an unforgettable experience.

P. J. is the son of Karen and Kermit Friel, of Slaty Fork, and Paul Harper, of Charlottesville, Virginia. He is a 1990 graduate of Pocahontas County High School and a graduate of Virginia Tech

majoring in Ocean and Aerospace Engineering. He has worked for Delta Airlines in Atlanta, Georgia, for 2 1/2 years as an Aerospace Engineer. On January 17, 2000, he was promoted to Project Engineer for the 757 and 777 planes. In this position he handles the contracts between Boeing and Delta for these planes.

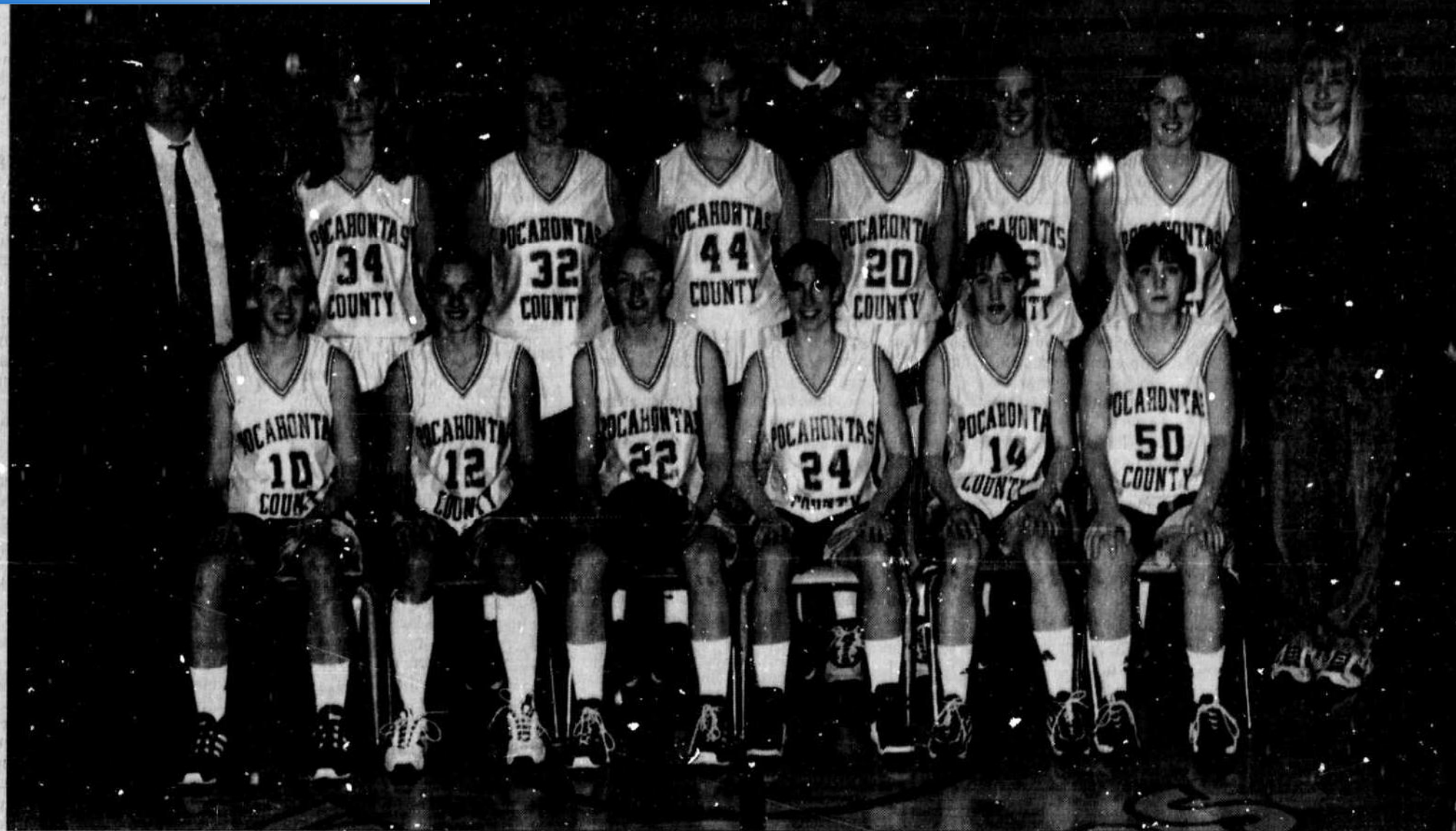
Since he has been working for Delta he has traveled and seen a lot of the world. He has taken trips abroad to Rome, Italy, Dublin, Ireland, London, England, Rio De Janeiro, Brazil, San Juan, Puerto Rico, Cayman Islands, British West Indies, Calgary and Whistler/Blackcomb, in Canada.

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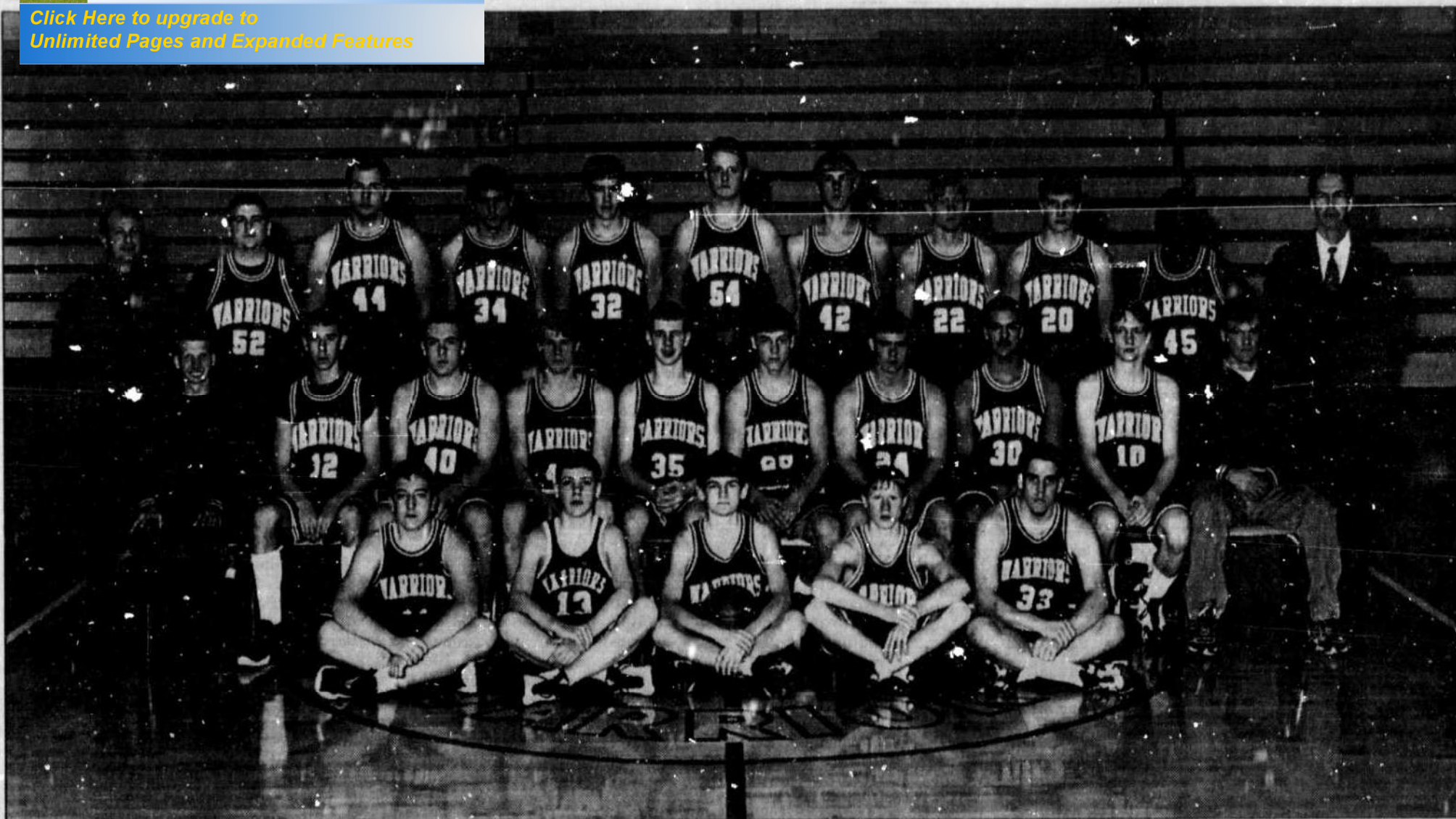


PCHS GIRLS VARSITY BASKETBALL Team: Megan Shearer, Valarie McLaughlin, Alison Flegel, Jaclyn Hollandsworth, Kayley Kolonay, Beth Young. Row 2, Asst. Coach Tim McClung, Melissa Hill, Christina Holstine, Amber Barker, Brandy Wayne, Malea Gum, Ginger Henry, Tausha Cassell. Row 3, Coach John Snyder

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PCHS WARRIORS BASKETBALL Team: Row 1: Cory McNabb, Zach Richardson, Eric Underwood, Brian Baldwin, Josh Kelley. Row 2: Manager Andrew Rider, Jamie Long, Marcus Sharp, Joey Schoolcraft, Josh Waugh, Justin Taylor, O. J. Gragg, Michael May, Eli Sharp, Chris Simmons. Row 3: Assistant Coach Mike Shank, Matt Rhea, Eric Kelley, Jeremy Moore, Greg Hamons, Chad Corbett, Jonathan Parker, Clint Johnson, Kellyn Cassell, Ricky Tyson, Coach Bob Sheets

Letters to the Editor

I felt the need to express my opinion on this.

When my youngest son began having problems in school, his teachers suggested he be tested for ADD. I agreed and testing showed that—surprise—he was labeled ADD. I was told that he should be on Ritalin to “cure” his ADD and that their psychiatrist could prescribe it or we could take him to his pediatrician. After my husband and I had long tear-filled discussions about this, and mostly about self-blame, we decided to do it. I took all the test results and reports to his pediatrician and was met with a laugh in my face. Their psychiatrist started my son on a low dose of Ritalin with no effect. His dose was increased and still there was no effect except that his teachers commented that he was, “more polite.” What?! The dose was once again increased and all that resulted were motor tics that were so severe that he still has them today—three years after being off the medication.

Finally a different medication was prescribed and was so new that it took calls to six different drug stores before we could find it. We tried this new medication to no avail and my husband and I agreed to take our son off all medications. I refuse to let my child be used as a guinea pig to please his teachers. I am so sorry that I ever heard of Ritalin and that I let my son be put through all of its effects (or lack thereof).

There is no doubt in my mind that my son has trouble paying attention—I don’t have to be in a classroom to know that—and I feel that some old-fashioned discipline like I had would be a better alternative. But since the government now decides how we discipline our children we are not allowed that option. We do still, however have a choice when it comes to Ritalin, and I absolutely refuse to use it.

Our children supposedly go to one of the best schools in the state of Virginia yet the schools are overcrowded and all of the conferences we go to concerning our child’s ADD problem are met with the same answer—“try Ritalin.” I have read, listened, and gone to every seminar I can to find out more about ADD and Ritalin and nowhere have I ever heard that children with ADD do not get enough attention from their parents. That statement is ludicrous and completely ignorant to the issue at hand. Someone please tell me why parents are commonly blamed for everything!

I am writing this letter to urge parents who are considering Ritalin to take a step back and realize that Ritalin is not always what it is made out to be. Under no circumstances, in my experience, has Ritalin been a “wonder drug” or a blessing and I know that I am not alone when I say this. I hope that parents out there will understand my position and reconsider this drug.

Nina Fowler Conner
Chesterfield, VA

LEGAL ADVERTISEMENTS

NOTICE OF TRUSTEE'S SALE

NOTICE IS HEREBY GIVEN that by virtue of a certain deed of trust dated the 13th day of May, 1999, made by Roger Paul Gelis, Sr. and Melba M. Fitzgerald to Phillip W. Cain, as Trustee, of record in the Office of the Clerk of the County Commission of Pocahontas County, West Virginia, in Trust Deed Book No. 158 at page 358, to secure City National Bank of West Virginia in the payment of the principal sum of Sixty Thousand and 00/100 Dollars (\$60,000.00), evidenced by a negotiable note bearing even date therewith, and pursuant to the deed of trust, wherein City National Bank of West Virginia was authorized and empowered to designate and appoint one or more substitute trustees in the place and stead of the trustee named in the Deed of Trust, and the undersigned, Donald J. Epperly, having been so appointed by the terms of a Designation of Substitute Trustee of record in said Clerk's Office, and default having been made in the payment of said indebtedness and the Substitute Trustee having been requested in writing so to do by City National Bank of West Virginia, the owner and holder of said note, said Substitute Trustee, on

TUESDAY, the 7th DAY OF MARCH, 2000, at 11:30 a.m., will offer for sale and sell at public auction at the front door of the Courthouse of Pocahontas County, West Virginia, to the highest bidder therefor, all those certain tracts or parcels of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in Green Bank and Edray Districts, Pocahontas County, West Virginia, and being more particularly bounded and described as follows:



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new trial

s motions on both sides of Rainbow Case

Senior Status Judge Charles Lobban played no favorites Monday at what was supposed to be Jacob Beard's final appearance in Greenbrier County Circuit Court. Instead, Lobban denied motions made by both the State and the defense.

Beard was convicted in 1993 of the notorious Rainbow Murders—the shooting deaths of 19-year-old Nancy Santomero, of Huntington, Long Island, New York, and 26-year-old Vicki Durian, of Wellman, Iowa—which occurred in Pocahontas County in 1980.

The women were apparently traveling to a Rainbow Family Gathering when they were shot to death at close range with a high-powered weapon. The weapon has never been recovered.

Beard was released from prison last year after Lobban found reason to grant the former Hillsboro man a new trial based on the on-again-off-again confessions of a convicted serial killer and the affidavit of Beard's former co-defendant, Arnold Cutlip.

Beard's previous trial was moved to Greenbrier County in 1993 because of perceived public sentiment in Pocahontas County.

At Monday's hearing, Lobban quickly denied a defense motion to exclude the testimony of State's eyewitnesses Johnnie Washington Lewis and Winters Charles Walton based on what defense attorney Miles Morgan called "scientific evidence relating to repressed memory."

Morgan said he had the affidavit of Elizabeth Loftis, who he said was "the leader in the field if not

the leader on earth" in repressed memory.

Prosecuting Attorney Walt Weiford said he would like the opportunity to offer his own expert on repressed memory, but preferred that the judge make a ruling that day.

"The court could make a finding now as to reliability," Weiford said. "(Reliability) has been tested by examination, cross-examination at length and jury deliberation."

The judge did rule immediately in Weiford's favor with a lecture to the defense on the case's record.

"Two things bother me," Lobban said. "One: we've done it all. A day's testimony with Mr. Walton and Mr. Lewis with respect to competency and their ability to remember, their conflicting statements, the withdrawal of those statements and the return of those statements."

"We've had extensive evaluation and major arguments about competency examined endlessly on cross-examination."

Lobban said he was also concerned with an "expert witness" invading the province of the jury's decision of competency.

Morgan continued an effort to sway the judge to no avail.

"Based on the testimony we already have, science says is presumptively unreliable," Morgan ventured.

Lobban denied the motion anyway. "It's not a theory in West Virginia at this point," he said. "We've already done that. It's for the jury to determine."

But Lobban did not leave the prosecution's case inviolate, either, denying Weiford the use of two

witnesses that place Beard in the Hillsboro area on the afternoon of June 25, 1980.

Mary and Irma Vaughan were expected to testify that Beard returned a tractor to Mary Vaughan's Hillsboro residence on that day. That testimony would potentially impeach Beard's alibi, which is that he worked until 5:15 p.m. and then attended a Pocahontas County Board of Education meeting to argue against the closing of Hillsboro School.

Beard's time card from Greenbrier Tractor Sales in Lewisburg showed that he clocked in at 1 p.m. and clocked out at 5:15 p.m., according to court records. The court records also show that the latter time is hand-written.

He testified at his 1993 trial that he worked in the field for a customer whose name he could not remember.

Weiford may also not be able to use any new information Odessa Hively may have given investigators. Hively testified that she had seen Beard's vehicle at the entrance to Droop Mountain Battlefield State Park along with vehicles belonging to Gerald Brown and Richie Fowler, Beard's former co-defendants. She also testified she saw Beard later at the Board of Education meeting.

Lobban said the Vaughans' statements go directly in the face of Justice (Margaret) Workman's finding at the end of Kastigar.

Under the Kastigar rule, the prosecution may not attack the defendant's alibi if it was given under an immunity agreement. Although the witnesses were not found to have come through information Beard gave investigators, the investigators' awareness of his alibi could have tainted the direction of the investigation, Lobban said.

Beard was granted partial use immunity by former Pocahontas

County Prosecuting Attorney J. Steven Hunter.

Serial killer Joseph Paul Franklin could have an opportunity to convince a jury he committed the murders, either in the form of another deposition or as a witness at trial.

Lobban granted a prosecution motion to have Franklin deposed again, although Weiford said he was not unfavorable to having Franklin brought to West Virginia to testify.

"I'd much prefer to have Franklin here at trial, as would the defense," Weiford said.

Franklin was deposed in October, 1997, and confessed to the murders, giving some correct details to the crime, while making other statements that do not match the physical evidence in the case.

Franklin, an avowed white supremacist, is awaiting death by lethal injection in the state of Missouri where he was convicted of murdering a man outside a synagogue.

His imprisonment poses a problem for bringing the man to West Virginia.

"Missouri is pondering whether they could force him to come here to testify," Weiford said.

The prosecutor said that while Franklin has said he will cooperate, he may have changed his mind.

On the issues of when and where the trial will be held, Lobban said those matters are not yet confirmed.

The judge mentioned four possible places for the trial and tentative trial dates of mid- to late May.

Morgan made one more plea for Kanawha County, mentioning the state's capital city has six court rooms available.

Since the venue is not established, Beard will have one more Greenbrier County hearing on March 31.

County Commission discusses animal control program

The County Commission met write a letter to the state Attorney



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Page 4—The Pocahontas Times—March 9, 2000



PICTURE TAKEN ON February 18, 1939, in Northfield, Massachusetts, of the Galford Lumber Company mill cutting timber after the New England hurricane of 1938. Glen Galford, of Green Bank, is to the right of the man with white pants.

Historical Society gets media grant

The West Virginia Humanities Council has awarded a media grant in the amount of \$19,875 to the Pocahontas County Historical Society for the "Galford Lumber Company Documentary Project."

The 56-minute documentary will record, for the first time, the story of the Green Bank sawmill and its workers who participated in the federal government's Timber Salvage Program in Massachusetts after the New England Hurricane of 1938.

The New England Hurricane of 1938 killed more than 600 men, women and children.

The storm also destroyed over two billion trees. After securing a contract with the federal government to cut the timber on a private woodlot in Northfield, Massachusetts, Glen Galford, owner of the

Galford Lumber Company in Green Bank, moved his portable sawmill and his workers to New England. Townspeople lined the road in January 1939 to watch as men, equipment, trucks and teams of horses pulled out in blizzard conditions to spend two winters and a summer on an adventure that will be documented for the first time through this film project. It is a story of displaced communities, hardship and perseverance, love and life.

The documentary is being produced by Pocahontas County native B.J. Gudmundsson and co-produced by famed photographer Douglas Chadwick, of Hillsboro. The film is scheduled for local debut in West Virginia and Massachusetts in July of 2000. Future plans include airing on West Virginia Public Television and presentation through local

schools, libraries and historical societies. This project is being sponsored by the Pocahontas County Historical Society with financial assistance from The West Virginia Humanities Council, a state program of the National Endowment for the Humanities.

Historians on the project include Dr. Roy Clarkson, author of *Tumult on the Mountains*; B.J. Gudmundsson, producer of *Women of Monroe*; John Cuthbert, curator of the West Virginia History Collection at WVU; and William P. McNeel, editor of *The Pocahontas Times*.

For more information contact: B.J. Gudmundsson 106 Lamp-lighter Drive, Lewisburg, WV 24901 or call (304) 645-4998, e-mail: bj645-@yahoo.com.

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LADY WARRIORS JUNIOR Varsity: Front Row: Kayley Kolonay, Brandy Wayne, Jaclyn Hollandsworth, Nicole Wilfong. Back Row: Coach Tim McClung, Malea Gum, Beth Young, Cassandra Channel, Jennifer Rose, Coach John Snyder.

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Additional gas wells planned near Thornwood

Monongahela National Forest Supervisor Charles Myers has issued the environmental assessment for the drilling of new gas wells on MNF land near Thornwood by the Cabot Oil and Gas Corporation. The assessment reviews the four "alternatives" that were considered by MNF staff for the proposal by Cabot to continue development of the natural gas in the portion of the Horton gas field to the east and north of Thornwood. The assessment outlines the reasons for the alternative that has been selected.

Cabot holds leases which grant the company the right to drill for, extract, and sell this government

owned gas. The leases, issued in 1951 and 1952, will remain in effect as long as existing natural gas wells in the area continue to be productive. However, the leases required that Cabot obtain Forest Service approval of the its plans before wells are drilled.

Seven wells in this area were drilled in the 1960s. One was dry and the others capped due to the lack of pipeline to transport the gas. Five of the six were put into production in November 1996 after the construction of a pipeline from Randolph County. Since the gas began flowing the sixth original well and two new wells have been brought into production.

The gas being produced comes from the Oriskany Formation, which is about 5,000 to 5,500 feet below the surface in this area.

In the summer of 1998 Cabot informed the Forest Service of its plans to develop up to 22 new wells, along with necessary pipelines and access roads. Since that time MNF staff have conducting the environmental studies that have resulted in the choice of alternative.

Included among the four alternatives is one for "no action." This one was rejected in large part because it would probably result in Cabot seeking compensation from the government for the gas it would not be able to produce and sell.

The other four alternatives are similar and differ only in minor detail.

By the use of "directional drilling," which allows several wells to be drilled from one location, Cabot plans to use only 11 drill sites, or "well pads," for the new wells. Five of the new wells will be drilled from three of the existing well pads and the other 17 from eight new well pads.

Cabot has informed the Forest Service that this well drilling plan should be sufficient to fully develop the Oriskany Formation on national forest land.

The proposed development is planned to take place over a five year period, beginning in the summer of 2000 and reaching completion in the fall of 2005. The proposed drilling schedule is four wells per year for the first three years and five per year for the last two years. At least one well will be drilled at each well pad, with the succeeding wells being drilled based on the productivity of the first wells.

Another part of Cabot's plans are for the construction of 5,450 feet of six-inch diameter pipeline on MNF land to connect with wells located on private land. The new pipeline, the Frank Mountain Pipeline, will connect with the existing pipeline near the head of Old House Run and go south, with 2,160 feet along a road and 3,290 feet cross country. An estimated 2,500 feet of pipeline will be built on private land.

The three existing well pads to be used are the two located on the hillside above Buffalo Lake (three wells) and the one at the head of Old House Run (two wells).

The new well pads will be located as follows:

- * at the west end of Little Spruce Ridge, about 1700 feet from US Rt. 250; two wells
- * on the ridge between the two forks of Old House Run; two wells
- * on the ridge on the south side of Toolbox Hollow, near the head of the stream; three wells
- * on a ridge at the headwaters of Big Run, near the W. Va./Va. line; one well
- * on the ridge between Long Run and Grassy Run, near their headwaters; three wells
- * on the ridge between Lick Run and Walderman Run; two wells
- * at the head of Walderman Run, near the Pendleton County line; three wells
- * on the ridge between the two forks of Abes Run; one well

Associated with these new well pads will be a total of 9,750 feet of access road, 16,025 feet of pipeline buried along roads, and 6,145 feet

Continued on page 3

Marlinton flood control project construction could begin in 2002

All Council members were present for the March meeting on March 7.

Representatives of the Corps of Engineers reported on the flood protection plan.

A public scoping meeting will be held April 11, with workshops in the afternoon on that day and the official meeting that night. An official notice will be published.

Rock borrow sites are being identified, geotech investigation sites drilling will begin in May, GIS model will be completed in May. Interior drainage studies are 100% complete and overall studies 98% complete. Real estate mapping is progressing, and initial design has begun for a short video of the project and flooding in Marlinton; residents are invited to tell about the flooding they have experienced.

The leading engineer reported on a meeting with the State Rail Authority on March 2 concerning the proposed bridge over the diversion outlet where it intersects the Greenbrier Trail. A design exception was not granted; the bridge will have to be at railroad standards.

A definite change was noted by listeners in the approach to the Knapps Creek side of the project. As noted, the requirements for a railroad-standard bridge would be very expensive; the engineer also said other costs on the diversion plan were turning out to be very expensive, plus the environmental study would add much time to the project for that plan. The plans will be ready to submit to Council in May or June for their approval but it seemed evident the Corps was leaning toward flood walls along Knapps Creek instead of a diversion plan through the mountain.

In answer to a question from the audience, he said it might be possible to start some construction in 2002.

Ellen Galford and Dave Arrington were present on behalf of the Humane Society, bringing Council up to date on the program: six cats from French's Diner were neutered, 287 animals in all, with 172 vaccinated for rabies. Plans for dog law enforcement in town were discussed and the work of the dog warden, who receives \$20 per dog plus mileage; the Town receives \$10 for each fine with \$67 in court costs. The Society will help with food and will loan its pen.

John Sharp and Jim Burks submitted a proposal for County Disposal to contract the collection of trash in town, in response to a request, for a percentage of collections; 80% of residential and 90% of commercial. Not knowing the accounts, they estimated \$15,000 profit income to the town.

Hearing from those in attendance:

Ruth Morgan brought an article from a Charlottesville, Virginia, newspaper about the town of Scottville, which was flooded in '69, '72, and '85, and now has an 11-year-old flood wall and pumping system, and a 1/2 mile levee. The project is working and the town is experiencing cultural and economic growth; she hopes someone will visit the town.

David Cain commented that the property he had quit-claimed was not reserved for manufacturing; he wondered if any action had been taken; the Mayor said not.

Jay Perry reported he received a call from Glaxton, Georgia, that police had inquired about his activities in that town and a deputy sheriff vehicle was there. The Mayor said a deputy sheriff had been sent to Atlanta on a murder investigation (and Tinney did accompany him). Police Chief Tinney said he would not discuss the matter before the public. Mr. Perry said he had done nothing wrong, it was wrong to do that, like the Nazis, like Hitler, and Mr. Tinney express anger at being compared to Hitler.

The Mayor reported a group had been created to discuss future tax needs and had had three meetings to discuss possibilities of B&O Tax; only 22 questionnaires were returned; more work is needed.

The new cemetery sign planned by the previous council is ready; posts were put up Tuesday.

Mike Hudson inquired how many new employees there are since the new council came in; the Mayor replied the 12 or 13 employees are about the same as last year.

The Mayor and several council members attended the planning meeting for Bike Night.

The water project still needs permit from Public Lands.

Council voted to approve and signed a resolution of request to the State to include some streets in the Orphan Road plan.

The discussion with County Disposal was tabled for future decision. Council members want some more information.

Department of Environmental Protection Inspection (five years) was conducted two weeks ago, with nothing major; two things to spend money on, some things they have corrected. For PH reporting, Dale McKenney needs a new meter. M&M must obtain permission by contacting an official on each dumping of sewage. The fence was fixed. They recommended a spare pump at lift station, which will cost \$3900, and a double chlorinating tank. A better log book record is needed. Tiner, lights, etc. are working; have to have a marker at in-flow with new numbers.

The Mayor summarized the Audit findings: No mishandling of money. Need value on buildings and equipment; failed to submit budget revisions on time; over-expenditures noted, with General Fund drawing from other funds; funds in one bank exceeded amount insured—the two banks will now cooperate; Town provides itself free water and sewerage at Municipal Building and Garage, and bills will now be submitted; inadequate separation of duties in office—auditor said it would not be feasible with so few employees; water loss is 61%—can't find any major leaks; now doing a reading

on water tanks late at night when there is no household consumption.

Mr. Gibb stated he had gone over the report carefully and found nothing illegal.

Bids for garbage truck was advertised in Pocahontas Times, Charleston and Beckley papers. Bid opening March 15.

Concerning proliferation of signs in Marlinton — After discussion with real estate people present, Council voted to write an ordinance to see what can be done to help.

Spring is clean-up time. The week of April 3-7 was set for pickup of heavy objects. Call town office.

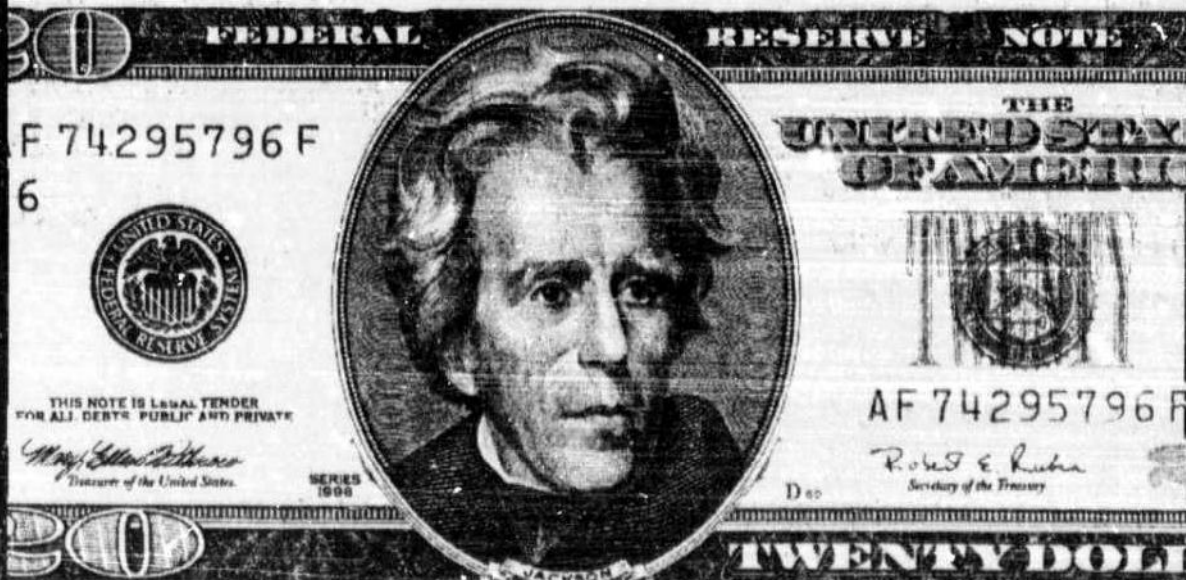
Robin Mutscheller was named to head Communications and Public Relations. She has been inquiring about a web page and internet connections. She also reported in connection with the Scenic By Way program for Rt. 39, Robert Ferguson will meet with the Marlinton Business Association at 7 p. m. on March 14.

In regards to the open meeting laws and a required agenda, and the fact that Council can act only on those things on an agenda, the Mayor suggested that citizens register things they want considered either before the meeting or maybe sign in.

Building permits for February: Mitchell Chevrolet, renovations; Oak Hall, 907 Seneca Trail, new construction; Pete Curtis, Greenbrier Hill, renovations.

At the request of Lee Tinney, Council voted to have an executive session on law enforcement. At its conclusion the Mayor reported Tinney offered his apology for his reaction during the meeting.

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Rulings made in suits involving county agencies

PDA not in contempt of court, judge rules

The Pocahontas Development Authority did not violate a judge's order when it turned in its financial records in transactional order.

Circuit Judge James Rowe did order the authority to have its records certified.

Rowe said it was apparent that plaintiffs Jerome Heinemann, of Dunmore, and Norman Alderman, of Beaver Creek, were appealing to the court for the dual purpose of tracing both grant money from the Greenbrier Valley Soil Conservation District and money from the Governor's Contingency Fund.

"That's out of the scope of this case," Rowe said. "This is not the forum for that type of discovery."

The judge told Heinemann and Alderman's attorney, R. David Arrington, that they were free to file another complaint.

"And I'm sure you will," he said.

Rowe denied Arrington's motion for the county to pay his attorney's fees.

The PDA must continue to supply quarterly financial statements to the county commission and the three municipalities.

Suit against Solid Waste Authority dismissed

Following a second hearing in the suit Jerome Heinemann filed against the Pocahontas County Solid Waste Authority, Circuit Judge James Rowe ruled there were no grounds for the allegations made in the suit and dismissed it. The hearing was held on Friday of last week.

In his suit, Mr. Heinemann alleged the SWA has failed to carry out the mandates of the state's laws on recycling and solid waste management. The suit also alleged the SWA is in violation of the state open meeting and ethics acts and illegally taxes the citizens of the county with the solid waste fee. The suit asks the court to order the SWA to follow the laws.

The suit originally involved the W. Va. Public Service Commission, W. Va. Soil Conservation Agency, and W. Va. Division of Environmental Protection. How-

ever, the motions of these agencies to be dismissed from the suit were granted by Judge Rowe at the first hearing, held on January 28. The County Commission is also a defendant in the lawsuit.

Also, at the January hearing the judge stated he felt the SWA had answered the allegations made in the suit. However, he agreed for a continuance due to the inability of George Sheets, a witness for Mr. Heinemann, to appear then.

Mr. Sheets was on the stand on Friday. Mr. Heinemann sought to use Mr. Sheets' research into the records of the SWA to prove his allegations against the agency.

However, David Sims, the attorney for the SWA, raised objections to most of areas of

testimony from Mr. Sheets as not being relevant and the objections were sustained by Judge Rowe. Only in the area of whether the proper amount of recycling was being done did the judge allow much testimony.

Judge Rowe repeatedly told Mr. Heinemann to "move on" with his presentation. As he did at the January hearing, the judge reminded Mr. Heinemann that he did not need to be informed about the state solid waste law, since he had helped to write it when he was a member of the Legislature.

Judge Rowe did agree that Mr. Heinemann might have a valid complaint on the seeming lack of anyone willing to be responsible for the people they appoint to a solid

waste authority. However, he suggested that if Mr. Heinemann does not like the law, then he should go to the Legislature and seek changes.

Mr. Sims, in making his successful motion for dismissal of the suit, noted that the court is not the "place to address the fact Mr. Heinemann and Mr. Sheets do not like the way the Authority is run."

Judge Rowe ruled that Mr. Heinemann had failed to substantiate the allegations in this suit and dismissed it against the SWA.

Prosecuting Attorney Walt Weiford noted that the County Commission, although named as a defendant, had never been served and asked for the suit to also be dismissed against it.

Commission approves two new voting places for Bartow and East Marlinton

Only routine matters were on the agenda of the County Commission at its meeting on Tuesday of last week.

Approval was given for the polling places for the Primary Election in May and the poll workers. County Clerk Pat Dunbrack said there are two changes in polling places. Bartow Precinct polling place will be at Ryders Restaurant in Boyer and East Marlinton will vote in the conference room at the court house.

Ms. Dunbrack also informed the Commission that the growth in property values in the county has changed it from a Class 9 to a Class 7 county, which will mean required increases in the salaries of the elected officials. Commissioners will go from \$18,500 to \$21,000; prosecuting attorney from \$38,000 to \$43,000; county and circuit clerks from \$36,000 to \$37,000; and assessor and sheriff from \$31,750 to \$32,250.

A letter was received from Tracy Samples informing the Commission that she will be resigning as county 4-H agent for the county as of March 31. Commissioners expressed their appreciation for the fine work she has done for the county and their regret that she is resigning.

Several items involved the tannery site at Frank.

Commissioner John Simmons recommended that a 1978 Dodge pickup that had been used there be sold and this was approved.

Mr. Simmons also recommended that a number of other items on the site be considered as surplus and advertised for sale. Included are two turbines, a sludge filter press, an air flotation unit at the waste treatment plant, and four stainless steel evaporators. He said he would get with Don Bailey, the engineer for the site clean-up, to review these items and prepare a list to advertise for sale. The money raised from this sale will be used as part of the local match for the Appalachian Regional Commission grant that will be used to complete the environmental clean-up at the tannery.

Approval was also given to seek bids from those interested in making the hay on both the tannery site and the county-owned land at Green Bank.

Mr. Simmons reported that Lynn Grimes had expressed interest in the sawdust pile at the tannery. Mr. Grimes can use it at his facility at Dailey and will remove the dust and clean the site. The Commission voted to let him have this material.

Jody Bolyard was added to the Local Emergency Planning Committee. He will represent the Observatory and the Green Bank area.

Approval was given to offer a dental/vision health plan to the county employees who are interested. There will be no cost to the county. The plan is provided by the W. Va. Association of Counties.

The terms for the members of the Pocahontas County Public Service District were set as follows: Kermit Friel, six years, William Kisner, four years, and William Rexrode, two years.

Approval was given for the renewal of the COPS MORE '98 grant for one year. This grant funds a civilian employee position for the Sheriff's Department law enforcement division.

Karen McNeel reported to the Commission that the county is eligible for FEMA public assistance funds for the damage by recent heavy rains.

She also said she is waiting for additional flood mitigation funding to be released from FEMA for the purchase of seven more properties at East Cass.



JACOB BEARD LISTENS intently to his defense attorney, Miles Morgan, at Friday's hearing.

Rainbow Murder trial scheduled for next month, no location set

Although the Rainbow Murder trial is scheduled for next month, no location has yet been chosen for the proceedings which could last for weeks.

Senior Status Judge Charles Lobban said Friday that courtrooms in Nicholas, Braxton and Fayette counties are open the week of May 16, when the trial is scheduled.

Prosecuting Attorney Walt Weiford will seek a second conviction against Jacob Wilson Beard, who was first convicted of the 20-year-old homicides in 1993.

Lobban overturned that conviction in 1999 after a serial killer confessed to the crimes and Beard's former co-defendant, Arnold Cutlip, signed an affidavit swearing that he was with State's eyewitness Johnnie Washington Lewis on the day the murders occurred and they did not see Beard.

Beard has maintained his innocence in the June, 1980, slayings of Nancy Santomero, 19, of Huntington Long Island, New York, and Vickie Durian, 26, of Wellman, Iowa.

The women were traveling to an annual Rainbow Family Gathering, held that year on the Monongahela National Forest, when their bodies were found shot to death at close range on remote Briery Knob in southern Pocahontas County.

While Lobban did not mention Kanawha County as a possibility for a trial location, defense attorneys did not let go of that bone, citing their survey which demonstrated that only 46% of those polled were aware of the Beard case.

"We know numbers in Kanawha County are quite low," Ste-

phen Farmer, Beard's lead counsel, said.

His firm, Farmer, Kline and Arnold, is based in Charleston.

Lobban said he will notify attorneys with the location of the trial once it is determined by the West Virginia Supreme Court of Appeals.

That location is key to Weiford, who will file a writ of habeas corpus to bring convicted serial killer Joseph Paul Franklin to the trial to testify.

Weiford must know the venue before he can file the writ and time is a factor, with the trial date only six weeks away.

"We need him for new evidence," Weiford said.

The prosecutor has said that he is actually trying two cases at once—proving Beard murdered Santomero and Durian, while proving Franklin did not.

"Make an effort to get him here; if you can't, get a deposition," Lobban instructed Weiford. "We're running out of time."

Franklin was deposed in October, 1997. Since that time, Weiford said, the imprisoned man has denied involvement in the murders.

Franklin may refuse to travel to West Virginia for the Beard case. Also, the State of Missouri may impede his trip to the Mountain State since he is awaiting death by lethal injection in that state on murder charges.

The Kastigar issue once again reared its head; this time the defense used it as a maneuver to remove former West Virginia State Police Sergeant Robert Alkire from the case.

"Our point is simple," Farmer said. "Sergeant Alkire is tainted because he interviewed Mr. Beard. It's the responsibility of the State to keep him away from the investigation. That taints the investigation, the entirety of the case."

Weiford argued on behalf of his lead investigator.

"Justice (Margaret) Workman says that might be a procedural safeguard. She recognizes that in small counties that's a luxury," Weiford said.

"I'm not going to rule that all of this is tainted," Lobban said. "Information from some other source is not barred."

Under the Kastigar rule, investigators cannot use information a defendant provided to them against him if he has been granted immunity. Further, investigators cannot attempt to impugn a defendant's alibi if it was given under an immunity agreement. And investigators, once aware of the immunity agreement, should not be involved in the case, according to Workman's opinion, although she did concede that in small, rural counties with a part-

time prosecuting attorney to transfer investigatory or prosecutorial duties was a "luxury."

Beard was granted immunity in 1982 by former Pocahontas County Prosecutor J. Steven Hunter, now a candidate for House of Delegates from Greenbrier County.

Alkire has investigated the murders since the night they occurred.

Both Weiford and Alkire have testified that they were unaware of Beard's immunity agreement until after his 1993 indictment.

Lobban wandered from the purpose of the hearing momentarily to inquire of the prosecutor how he proposed to introduce some evidence which might be hearsay, particularly that of Gerald Eugene Brown, son of Beard's former co-defendant, Gerald Lee Brown.

While the younger Brown purportedly has some information told to him by his late father, he will testify to his own recollections of the day, Weiford told the court.

Farmer called the use of Gerald Eugene "Jerry" Brown, who was seven-years-old at the time of the murders, an "outrage."

"They just figure out what they need and go get it," Farmer said.

Alkire did not interview Jerry Brown, Weiford said.

Lobban noted that Jerry Brown's statement says he saw the girls in his father's yard, but does not mention Beard.

The elder Brown died in February, 1993, shortly after he was indicted for the murders, along with six others, including Beard. Charges against Gerald Lee Brown were dropped posthumously.

Further pre-trial matters will be addressed on April 28 in Greenbrier County.

The 53-year-old Beard remains free on bond.

...

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work trip.

Spring CRAFT, YARD & BAKE SALE

Saturday, April 8
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hour.

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Hot Dog Sale, Bake Sale & Rummage Sale

Fri., April 7

9 a.m. - 4 p.m.

Larry Smith's House
Hillsboro

Set Free Ministries

Dee's
Flower Patch

Spaghetti Dinner

Marlinton business owners get information on B&O tax at town council meeting

by Terrell McSweeney

Of the 235 municipalities in West Virginia, 155 have a Business and Occupation tax, according to Lisa Thornburg, the Deputy Director of the West Virginia Auditor's office.

Thornburg explained the nuts and bolts of the B&O tax at a special Marlinton Town Council meeting Tuesday, March 28.

"The good point of the B&O

on the municipality's side is that a majority of municipalities rely on Business and Occupation tax as their main source of revenue because their take from property tax is very low—they only get around 12% of the property tax that people pay with about 68% going to the Board of Education and the rest of it going to the county commission," Thornburg told council members and a group of around 25 Marlinton business owners.

Marlinton's projected revenue from property taxes is \$107,867, according to the town's 2000-2001 budget. That income combined with other smaller revenue sources doesn't amount to enough to offer the town's 13 employees benefit packages and pay raises—incentives Marlinton Mayor Doug Dunbrack believes the town needs.

"We are losing employees to Snowshoe and Denmar prison because they offer better benefits than we can. We've got to do something to stay competitive with them so that we can keep our employees," Dunbrack said.

The town council estimates that they need another \$100,000 a year in revenue to cover insurance and raises for employees. They also believe that the town will see additional revenue from the B&O tax once construction of the town's flood control project gets under way in around two years. B&O revenue generated from the flood project construction could be used to off-set the \$100,000 annual maintenance cost of the levee system.

Many of the Marlinton business owners who attend the meeting Tuesday remained skeptical about the tax, though sympathetic to the town's personnel problems.

"All of us are in the same boat. My employees are always looking for other jobs with a higher salary and more benefits," said Dr. John Sharp.

River Place Restaurant owner Melanie Shafer pointed out that town should be careful of the costs of offering benefit packages to employees.

"I was offering my staff insurance, but then the insurance companies raised the premiums. It's cheaper for me to pay them a little more so they can get their own plans than it is to deal with insurance companies," she said.

Though B&O taxes help towns generate additional revenue, Thornburg said that they can hinder economic development.

"We get calls from different companies that are looking to start a new business in West Virginia and they want to know about the boundaries of municipalities. A lot of times they want to be close to

the municipal boundaries, but they want to locate outside so that they don't have to pay the B&O tax," she said.

"On the bad side, it's based on gross sales. So whether you make any money or not you have to pay based on your gross before any deductions. So it can be difficult for the businesses," Thornburg said.

Most of the business owners agreed.

"None of us are making a big profit here. You need to look at that before taxing us on gross sales," Pocahontas Pharmacy owner Jim Burks told council members.

Other business owners at the meeting worried that the town council's proposed \$1 million per quarter maximum cap was unfair for smaller businesses, especially since three of Marlinton's largest businesses, City National Bank, First Citizens Bank and Burns Motor Freight, are virtually exempt from the tax.

A recent Beckley court case established a precedent that banks headquartered in other locations only have to pay municipal B&O taxes on locally collected service charges. Carrying companies are exempt from B&O taxes under state

law.

"This isn't a fair and equal tax because businesses grossing less than a million dollars a quarter will be taxed on one hundred percent of their gross," Shafer said.

Thornburg noted that none of the 155 municipalities in the state that have a B&O have any cap.

"Other cities don't have a maximum because they are trying to generate as much revenue as possible," she said.

Chuck Workman, owner of Appalachian Sport, suggested that the council do away with the cap.

"If you are going to have a B&O tax, you should start it at a low rate and see what kind of revenue you get instead of making

small businesses pay more than the big businesses," he said.

Business owners were also concerned about increases in utility bills that will result from the tax. Utility companies typically pass on B&O taxes to their municipal customers, according to Thornburg.

Under the town council's existing proposal that will mean that Marlinton residents and business owners could see a \$4 per \$100 increase on electric bills, a \$3 per \$100 increase on natural gas bills and a \$2 per \$100 increase for other utilities.

Joe Laskey, who owns a coin laundry in Marlinton, said that paying the B&O tax twice will be hard on his bottom line.

"Sixty percent of my business going to have to pay B&O tax on my gross and on utilities. I'm going to go broke," he said.

Town council member Loretta Malcolm said that most business owners shouldn't see much of an increase in bills.

"If \$20 a month is going to put you out of business, then you are out of business anyway," she said.

Thornburg reminded council members that there are alternatives to a B&O tax.

"You might want to look at other sources of revenue like an excess levy on property taxes to make sure you are getting the maximum of the revenue they are already tak-

ing in," she said.

Council member Jim Gibb countered that the council considered those alternatives.

"We've looked at a municipal service fee and some other alternatives, but there again you are looking at a high tax for some people," he said.

The March 28 meeting appears to have changed the council's opinion on some parts of their B&O proposal, according to Dunbrack.

"It looks like the town council is going to do away with the cap and cut the power company rate by half to two dollars and change the rental royalties from fifty cents to one dollar," Dunbrack said Tuesday.

Youth center to open Friday

by LeAnna Alderman

A youth center and game room will open this Friday, April 7, on the corner of Third Avenue and Main Street in Marlinton, with special live music by Omega 7. Trifold Youth Ministries, a nonprofit organization consisting of pastors and concerned members of local churches, will be operating the youth center, which will include pool tables, arcade games, snack machines, and a performance space for live music. The youth center will be open Fridays and Saturdays from 4 to 9:30 p. m. and will have live entertainment from local young talent or other fun activities while it is open. TYM is committed to making this a safe place for teens. At least four adult volunteers will be chaperoning the building at all times and visitors will be expected to abide by all posted rules.

Last December, a group of concerned people from several denominations met together to discuss their concerns for the teens in Pocahontas and look for ways that they could unite to reach out. They noted the lack of healthy entertainment and safe places for teens to hang out, and the rise in teen-age crime and drug abuse. The group had no resources and no building, but they did have a vision for creating a safe place for teens. They decided to form a nonprofit organization called Trifold Youth Ministries; Trifold stands for the three groups this effort will serve: youth, families, and community. The mission of TYM is to be a youth outreach ministry in Pocahontas County and will enhance the quality of life for youth, families and the community. They seek to provide a safe haven in the form of a community youth

center(s) which will encourage constructive recreation and healthy mentoring relationships.

In four months, this youth center has gone from a burden in a few people's heads to an active organization where members of almost a dozen churches, ministries and community groups have found common ground to stand on and have rallied together in support of our youth. For this youth center to be successful, it will take the whole community's support from prayers to volunteers to financial support to help pay rent and telephone bills. TYM asks community groups and churches to make a positive impact on teens' lives by volunteering to staff the center one Friday or Saturday night every 1.5 - 2 months. TYM would also like to make the building available to other groups and organizations who wish to conduct positive after-school and evening activities for youth during the week.

Trifold Youth Ministries invites youth, teens, and families to drop by the Youth Center this Friday and Saturday from 4 to 9:30 p. m. Play a game of pool, listen to free live music, and chat with a volunteer about the mission of the Youth Center and ways that you or your family can become involved in making Pocahontas County a more positive place for youth. For more information please call Amy Leitzinger at 799-7248.

Durbin Days
July 16 - 23

Notices

Adult Supervisors Needed

The Greenbrier Valley Job Service is currently recruiting for crew supervisors for the 2000 Governor's Summer Youth Program (GSYP) in Greenbrier, Monroe and Pocahontas Counties.

Qualifications for this year's program are a four-year college degree of which you must provide verification. The work period will run from June 29 to July 28, with a rate of pay of \$12 an hour.

All interested persons may obtain an application from the Greenbrier Valley Job Service at the Brier Inn Complex in Lewisburg. You may call 647-7415 for more information.

Spring Clean-Up

Douthards Creek Road Spring Clean-Up on Douthards Creek Road will be Saturday, April 22. Everyone is to meet at Mary Sue White's residence. Gloves, vests and bags furnished. Refreshments will follow clean-up. Easter egg hunt for children.

GVEDC

The Board of Directors of Greenbrier Valley Economic Development Corporation will meet Wednesday, April 12, at 3 p. m., at the City National Bank in Marlinton.

Homeowners with money worries may qualify for low-interest loans.

LOANS: Direct lender loosens its requirements for homeowners who need money now.

Have you been turned down for a loan? Do you need more than \$10,000 for any reason? Are you paying more than 10% interest on any other loans or credit cards?

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LA-Z-BOY
The #1 Name

the West Virginia State Rail Authority had expired in 1998 and no lease has been signed since. Sign-

never consider stopping home delivered meals in Durbin," she went on to say.

B&O Tax rates set

Marlinton Council has busy agenda

Marlinton Town Council met Tuesday night with all members present.

Curt Murdock and Karen Miller, of the Corps of Engineers, reported on the progress of the flood prevention project. They have met with landowners and one ROE is complete. Plan for borrow areas: one source is the area of the diversion. The model will be ready in May. The Railroad Authority did not give a formal answer, as reported, but will send a written reply, which will probably be "no," to bridge modification plans. School meetings were held this day. They will meet with property owners in early summer. Scoping meeting is April 11, with workshops, booths, exhibits and questions in afternoon and meeting at 7, to take comments. Next day exhibits will be shown to Seniors. Mr. Murdock said the project is now \$55,000,000.

Citizens' input—David Cain questioned when and why the decision was made not to contract garbage. Recorder Kellison said the Council thought business rates might be raised and if they didn't stay in business and wanted to later, they would have to start over, and consensus of members was to stay in the business.

A line of credit has been established at City National Bank for interim financing of water extension project. A resolution was approved for payment of \$15,000 to D. Hannah, \$1582.50 for attorney work, and Region IV \$5219.54.

Mayor Dunbrack reported:

The Scoping Meeting April 11. Cemetery sign in place after 18 months. Preliminary papers filed in Chris Gibson law suit complaint. Asked Council to meet Tuesday, April 18, to lay levy, three members necessary. Cain quit-claim deed turned over to city attorney. Tentative date for meeting with representatives of State Housing Fund to find avenues of funding looking for town housing for persons who may be displaced by flood protection plan around April 20.

Ordinance for grease traps in food preparation business areas has been required and bill was approved on first reading. Businesses have been notified.

A real estate sign ordinance had been prepared, providing that no more than one 18"x24" sign will be put on a property that is for sale, rent, or lease; signs shall be parallel to street and only on such property; one 4'x8' on tracts of land larger than one acre, with \$10 permit plus \$1 per square foot of sign area; no signs on public property. Current signs to be brought in compliance within 30 days after adoption. Council voted to think about it.

The problem of deer in town was brought up. One property owner has permit but needs permission to shoot in town. No action was taken.

Council voted to offer for sale the third police car, an '87 Dodge.

Robin Mutscheller reported the Marlinton Business Association has committed to the Scenic By Way designation for Rt. 39 from the State line to Mill Point. She does not have web page program yet.

The Mayor reported the DEP still wants storm drains taken out of sewer system and with the Corps of Engineers working on the flood project the time might be opportune; Council voted to prepare a bid for an engineer to plan such a project, payment to be contingent on funding.

The summary of Council's suggested rates for the writing of the proposed B&O tax ordinance after the meeting with business people is to have no cap on tax liability, and rates per \$100 as follows: manufacturing, retail and wholesale, 15c per \$100; electricity \$2; construction \$2; amusement 50c; service 15c; rentals \$1; small loan and banking \$1; generating own electric power 30c. Council

voted to put these in an ordinance and to publish the ordinance with public meetings as required.

Keith Moore wanted to make it clear about the loan for interim financing, that the Town was not out of money. The Mayor explained that there were funds left over in the water extension project but the money will not be available to pay bills until the project is completed, hence the need for the loan; it is just interim financing and the Town has no obligation once the project is completed.

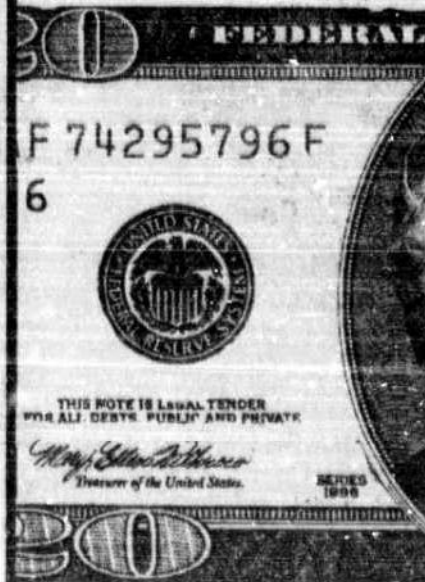
Linda McLaughlin asked the Mayor to clarify that the water extension project never did include the Brush Country; the Mayor said the extension to the Brush Country would be an additional two to two and a half million dollar project.

Robin Mutscheller thanked volunteers for the clean-up of the Greenbrier Trail; eight tons of garbage were picked up; DEP has offered to help clean along Greenbrier Hill this fall.

A question was asked about the proposed B&O high rate on rentals. Council reported the maximum amount the state allowed was set after the utility rate was lowered when it was found it was applied to local bills.

Building Permits for March as

From S Big Buc The L



From PayAny installments to home equi to mortgage So come on b If you're thin small or big, thinking just

Town of Marlinton celebrates centennial of incorporation

The Town of Marlinton was incorporated April 4, 1900, by order entered by the Circuit Court of Pocahontas County.

To go back a little earlier to the settlement of the site of the town, we copy from *Memoirs of Indian Wars, and other Occurrences, by Colonel Stuart, of Greenbrier, as presented to the Virginia Historical and Philosophical Society by Chas. A. Stuart, of Augusta, Son of the Narrator*, as reprinted by McClain Printing Company.

"About the year 1749, a person who was a citizen of the county of Frederick, (Note: Nap Gregory), and subject of paroxysms of lunacy, when influenced by such fits, usually made excursions into the wilderness, and in his rambles westwardly, fell in on the waters of Greenbrier river. At that time, the country on the western waters were but little known to the English inhabitants of the ten colonies of America, being claimed by the French, who had commenced settlements on the Ohio and its waters, west of the Alleghany mountains. The lunatic being surprised to find waters running a different course from any he had before known, returned with the intelligence of his discovery, which did abound with game. This soon excited the enterprise of others. Two men from New England, of the name of Jacob Marlin and Stephen Sewell, took up a residence upon Greenbrier river; but soon disagreeing in sentiment a quarrel occasioned their separation, and Sewell, for the sake of peace, quit their cabin and made his abode in a large hollow tree. In this situation they were found by the late General Andrew Lewis, in the year 1751. Mr. Lewis was appointed agent for a company of grantees, who obtained from the Governor and Council of Virginia an order for one hundred thousand acres of land lying on the waters of Greenbrier river,—and did, this year, proceed to make surveys to complete the quantity of said granted lands; and finding Marlin and Sewell living in the neighborhood of each other, inquired what could induce them to live separate in a wilderness so distant from the habitations of any other human beings. They informed him that difference of opinion had occasioned their separation, and that they had since enjoyed more tranquility and a better understanding; for Sewell said, that each morning when they arose and Marlin came out of the

great house and he from his hollow tree, they saluted each other, saying—good morning, Mr. Marlin, and good morning, Mr. Sewell, so that a good understanding then existed between them; but it did not last long, for Sewell removed about forty miles further west, to a creek that still bears his name. There the Indians found him and killed him." (Note: Sewell first moved to Sewell's Cave, near Marvin Chapel, at the head of Stephen Hole Run.)

"Previous to the year 1755, Mr. Lewis had completed for the grantees, under the order of council, upwards of fifty thousand acres;—and the war then commencing between England and France, nothing further was done in the business until the year 1761, when his majesty issued his proclamation commanding all his subjects within the bounds of the colony of Virginia, who were living, or who had made settlements on the western waters, to remove from them, as the lands were claimed by the Indians, and good policy required that a peaceable understanding should be preserved with them, to prevent hostilities on their part. The order of council was never afterwards carried into effect, or his majesty's consent obtained to confirm it.

"..... commissioners were appointed, in 1777, to grant certificates to each individual who had made settlements on the western waters, in the state of Virginia, previous to the year 1768 and since, with preference according to the time of improvements, which certificates gave the holder a right to four hundred acres for his settlement claim, and the pre-emption of one thousand more, if so much were found clear of prior claims, and the holder chose to accept it. The following year, 1778, Greenbrier was separated from Botetourt county,—and the county took its name from the river, which was so named by old Colonel John Lewis, father to the late General, and one of the grantees under the order of council, who, in company with his son Andrew, exploring the country in 1751, entangled himself in a bunch of green briars on the river, and declared he would ever after call the river Greenbrier river."

There follows an account of all Indian activities including Point Pleasant until "The last person killed was Thomas Griffith,—his son was taken, but going down the Kenawha, they were pursued, one of



Camden Ave. and Greenbrier River, Marlinton, West Va.

HERE'S A VIEW of Marlinton taken before 1910. The postcard was from Harriet Ryder to Miss Rhoda Hiner in Monterey, Virginia and was brought to The Pocahontas Times office by Lynn Townsend. The postcard has a penny stamp and is marked December 31, 5:30 p.m.

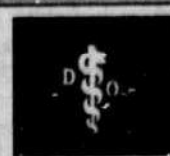
the Indians was killed, and the boy was relieved, which ended our wars in Greenbrier with the Indians, in the year 1780. (signed) John Stuart."

March 1904-500 ft. of spruce was shipped from Cass to the Wright Brothers Cycling company to be used in aircrafts.

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James Smith, Manager
Marlinton, WV 24954

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Meeting held on Marlinton flood control project

Nick Krupa, Chief of the Environmental Analysis Branch, of the Huntington Corps of Engineers, introduced a bus load of personnel from Huntington, and explained that presenting the proposed action to the public, describing the Environmental Impact Statement process, and identifying project alternatives are required before the Corps can proceed.

Public comment period will end May 26. People could make an oral statement that night, recorded by a court stenographer, file a written comment, or fill out a comment sheet, stating concerns or information you would like the study team to consider in preparing their report. These comment forms can be sent to Nicholas Krupa, Corps of Engineers, 502 Eighth Street, Huntington, WV 25701, by May 26.

The Corps will prepare their draft by fall, make public review, take comments at a public meeting, report record of decision, and allow 90 days following before work starts.

Curt Mardock, Project Manager, says final decisions will probably be made by September, 2001.

Maps and models of the proposed alternatives were on display and were explained and questions answered.

The four alternatives are:

Alternative 1: Combination of Floodwall and Levees along the Greenbrier and Knapp Creek. The Marlinton levee will begin at high ground 200 feet north of the end of First Avenue and run 6,000 feet along the Greenbrier to Knapp Creek, and then 2,900 feet up Knapp Creek to the vicinity of the water plant. From this point a 1,000-foot long floodwall would continue the protection along Knapp Creek. A 600-foot levee would run from the end of the floodwall to high ground in the vicinity of Wilson's field. . . . the 5,000-foot long Riverside levee would begin at high ground in the vicinity of Campbelltown, and run along Stony Creek to the Greenbrier River. It would run along the Greenbrier to high ground in the vicinity of Burns Motor Freight. The Riverside levee is required because the Marlinton protection would increase flood heights in that area.

Alternative 2: Floodwall/Levee along the Greenbrier and a Knapp Creek Diversion. The Marlinton levee would be the same as in Alternative 1 along the Greenbrier to Knapp Creek. It would then cross Knapp Creek and run 800 feet to high ground. Three gated culverts would run through this structure. A pump station would be mounted on the levee in close proximity. When the level of the Greenbrier River reaches a set point, the gates would close and pumping of Knapp Creek to the Greenbrier would occur. A 2,200-foot long channel cut through Buckley Mountain would carry Knapp Creek flood flows away from Marlinton to the Greenbrier River at a point downstream of the town. This diversion channel would work in conjunction with an approximately 25-foot-high concrete diversion dam. This concrete structure would be approximately 800 feet in length.

Alternative 3: Nonstructural Alternative. The nonstructural plan for both Marlinton and the Riverside area involves the raising in place of 265 structures and the acquisition of 155 structures.

Alternative 4: No Action Alternative. The No Action Alternative assesses the impacts associated without implementing any local protection (Without Project Impacts). Under this

alternative no structural or non-structural flood control measures will be implemented. The impacts associated with not implementing the project will be evaluated as the No Action Alternative in accordance with NEPA.

The Environmental Impact Statement will include existing environmental conditions within the project area as they exist and differences that could occur as a

result of implementing any of the alternatives, ways to reduce or eliminate these impacts, and a mitigation plan for impacts which cannot be avoided.

The draft will be ready with a public hearing this fall and final report next spring.

There were no persons in the audience from outside the area and there were no formal statements made during the period allotted.

GVEDC's Edray project on track

The Greenbrier Valley Economic Development Authority made its annual visit to Pocahontas County last Wednesday.

The Edray Industrial Park project is on track, but slowed slightly due to the death of one of the property owners.

According to Richard Ellard, Special Projects Coordinator, the State has allocated to the GVEDC \$300,000 to purchase the property and there will be no financial exposure to the GVEDC for five years.

During Phase One of the project water, sewage and access roads will be built and Phase Two will include building a 50,000 square foot structure to attract a secondary wood products manufacturer, Ellard said.

"We hope to attract a furniture factory," he commented Thursday. "To me, this is a great project and I'm getting a lot of pleasure out of this project."

Also, the GVEDC will loan \$30,000 to Gardner Shoe Company in Marlinton. The money will be paid back in five years at four percent interest.

Nevi said the shoe company would use the funds to leverage other money. The loan is secured by equipment at the factory, he said.

The GVEDC weighed its options in supporting a potential Lewisburg development that has at least one property owner opposing the plan.

GVEDC Executive Director Dick Nevi will approach Larry Ickes to see what the developer needs from his organization.

Ickes plans a Lowes store and strip mall on Rt. 219 north of Lewisburg.

The plan has drawn fire from Barbara Ford, who lives on Fairview Road. That road borders the back of the property Ickes plans to develop.

County Commission holds regular meeting

On Tuesday at its regular meeting the main business of the County Commission involved hearings concerning estates and little else was on the agenda.

The Commission did give final approval for the budget for 2000-01 and laid the tax levy for the year. County Clerk Pat Dunbrack told the Commission that the proposed budget was approved by the state Tax Department with only minor corrections.

Commissioner John Simmons reported that the City of Charles, on is seeking bids on a new or used filter press for its sewage treatment plant and he recommended that the county place a bid to sell the one at the sewage treatment plant at the tannery site. He recommended \$15,000 as the bid price. The Commission gave its approval.

Commission President Joel Callison reported on his attendance at a meeting of the Advisory Board for the Greenbrier Birthing Center at Denmar. He said he was "impressed with the work they are doing" at the center. The center provides services for expectant mothers in the federal prison system. It has seven employees at this time, Mr. Callison said.

Gail Lowry, Executive Director

GVEDC member Bill Shiffer said he wanted "non-confrontational, non-public influence" on the project, but reminded the board members that Ford's father, Lawson Hamilton, is a potential donor to the GVEDC's Progress 2000.

"We're going to step on some toes," said GVEDC president G. Scott.

"We have to give this thumbs up," Shiffer said. "The fact remains we are an economic development authority."

Shiffer explained that Ickes had offered a five-acre buffer zone between the development and Fairview Road to appease Ford, although her reaction to that overture wasn't known.

Shiffer said he thought GVEDC members should contact Lewisburg City Council individually in support of a needed rezoning ordinance for the project.

"I'm all for growth," said Woody Hanna, GVEDC member and Greenbrier County Commission president. "We've got a traffic problem. That rockpile is not an asset to the city now."

GVEDC treasurer Bill Sturgill, a Greenbrier County representative on the board, said the thought of losing a potential contributor should not influence a GVEDC decision to support development.

And Monroe County member Aaron Judy agreed.

"We have to pay attention to our name," he said. "We're not Greenpeace. We're an economic development authority."

Judy's Monroe county companion on the board, Duane Miller, mentioned that Ickes may want the GVEDC to help him find other property for his development.

At the board's behest, Nevi will approach Ickes to see what action the developer wants the GVEDC to take.

of the Pocahontas County Tourism Commission, discussed a Heritage Tourism proposal being submitted for funding to the Preservation Alliance of West Virginia. The proposal is being made by the Canaan Valley Initiative and involves Tucker, Randolph and Pocahontas Counties. She said eight groups are applying and one will be picked for a trial project. The Commission voted to send a letter of support for the grant request.

Support was also given to a grant proposal from the Forest Service for funds to make improvements at the Cranberry Mountain Visitor Center. Proposed are an amphitheater, nature trail reconstruction, videos, trail brochure, and handicapped accessible picnic tables.

Ms. Lowry and Mr. Simmons reported on a meeting at Parkersburg they attended concerning the Staunton-Parkersburg Turnpike. They said people in the western part of the state are interested in extending the scenic highway status for the S-P corridor from Rich Mountain to Parkersburg. The road is a scenic highway/by way from Staunton, Virginia, to Rich Mountain in Randolph County.

Moved to Greenbrier County

the murder of his live-in companion and business partner will be held in neighboring Greenbrier County, a Circuit Judge ruled Tuesday.

Chief Judge Frank Jolliffe determined that Roger Paul Gelis could not get a fair trial in Pocahontas County based on public sentiment.

Gelis, 54, is accused of killing Melba Hickson Fitzgerald, 41. Fitzgerald's nude, decapitated body was found in a hand-dug well in September.

Jolliffe came to his decision based on the testimony of individuals who live throughout the county, some of whom testified that a fair and impartial jury could not be impaneled in Pocahontas County, and one of whom said he had formed an opinion he could not set aside.

"I would be hard-pressed to do that," said Kenneth Ervine, of Marlinton. Ervine did not reveal what his opinion was.

Gibbs Kinderman, of Mill Point, Alfred Ervine, of Green Bank, Lawrence Workmen, of Hillsboro and Ervine all testified they believed public sentiment, while perhaps more intensely negative toward Gelis in the northern part of Pocahontas County, was still adverse in other areas.

"Some people don't have a real

of him," Kinderman said. "Only a small number of people think he's innocent."

On the other hand, Irene Burks, of Hillsboro, Wanda Hedrick, Reid Mitchell, and Phillip Cain, all of Marlinton, and Jaynell Tibbs, of Buckeye, all testified they believed knowledge of Gelis was minor enough in areas other than northern Pocahontas County that a jury could be seated to hear Gelis' case.

"I believe people in Pocahontas County are honest, fair people," Cain said.

"It was a newsworthy event and a big topic of conversation at the time," Mitchell stated. "But not much since."

The defense's private investigator, Charles Camper, testified that 100 people responded to a survey with 13 favorable opinions to Gelis, 78 unfavorable and nine stating no opinion.

According to Prosecuting Attorney Walt Weiford, Camper said he excluded certain areas of the county in the survey.

Prosecution witness Kevin White, a Pocahontas County Sheriff's Department Correctional Officer, testified that he recently overheard Camper discussing the case in a local convenience store.

White said Camper was at the counter telling the clerk about Fitz-

gerald's autopsy report.

"He said the autopsy report said 'massive head wound' and kind of laughed," White testified. "He said, 'I'm trying to get an autopsy report out of these people.'"

Camper characterized Medical Examiner Jack Frost as "an idiot," the correctional officer said.

White would not speculate on Camper's meaning in the statements.

Defense attorney Eugene Simmons objected to White's testimony, but Jolliffe allowed it.

"I'll allow it," Jolliffe said. "If the defendant has created unfavorable sentiment, the defendant can't take advantage of it."

White said three other people were in the store at the time.

Jolliffe said it was a "close question."

"The defense has fallen short of maintaining its burden," the judge said. "(But) I quite frankly wonder if we can get a jury, especially after it's written up today. It will be all over everything again."

The judge noted that during the survey, the defense did not determine whether or not it was speaking to potential jurors. "We may have had more damage done by this scientific survey," Jolliffe noted.

"The basic standards of have not been met (with the survey)," the

judge said. "there is no random determination. You eliminated a telephone exchange and segments of the community."

"There were six questions asked, but no individual record kept. This is not a scientific pool, this one doesn't even come close."

While Jolliffe berated the defense's methods, he praised Prosecuting Attorney Walt Weiford for his efforts in keeping the hearing a fair one.

"I applaud the prosecutor for his efforts," Jolliffe said. "The State did what the State is supposed to do. He brought in individuals from various parts of the county without seeking opinions."

"The only thing is, he lives and dies with the evidence that was received."

The judge said it was likely that an attempt to seat a jury in Pocahontas County would fail, thus, the county would have to bear the expense.

"While I have a great deal of confidence in the people of Pocahontas County, once they have made up their mind, they have made their mind," Jolliffe said.

Gelis will face a Greenbrier County jury on July 18.

He remains in the Southern Regional Jail without bond.

Trial set for May 16

Lobban rejects State's motion for continuance

Senior Status Judge Charles Lobban denied a State's motion for a continuance Friday in the ongoing Rainbow Murder Case. The second trial of Jacob Wilson Beard is still on schedule for May 16.

Beard, 54, was convicted of the crimes in 1993; however, Lobban overturned the conviction in early 1999 and granted Beard a new trial.

The former Hillsboro man has maintained his innocence in the 1980 murders of Nancy Santomero, 19, of Huntington, Long Island, New York, and Vicki Durian, 26, of Wellman, Iowa, since his arrest.

Prosecuting Attorney Walt Weiford told the court he needed the continuance in order to ensure his out-of-state witnesses would be available.

"The venue was not established until April 14," Weiford said, noting that his office had forwarded a number of non-resident witness subpoenas to Lobban at his home. He said he was informed by the clerk of Braxton County, where the new trial will take place, that they did not receive the subpoenas until April 24.

"Several jurisdictions have not received processes," Weiford said. "It's hard to logistically arrange the attendance of witnesses."

Weiford said one witness in particular, Joseph Paul Franklin, the convicted serial killer who has periodically confessed and denied murdering Santomero and Durian, has been made a "critical part of this case by the defense."

Beard was granted a new trial partly on the basis of Franklin's most recent confession, the first given under oath.

Although Franklin has given a video-taped deposition, Weiford said that testimony is now nearly three-years-old and taken before the last investigation took place.

"The State bears the burden of proof, Your Honor," Weiford said. "The State asks the Court to allow it fair opportunity to present its case."

"We strenuously object," said Beard's lead defense counsel, Stephen Farmer. "A delay would be prejudicial to the defendant in many ways."

"We have worked tirelessly on our case. We are ready to proceed."

Farmer rebuffed the notion Weiford's witnesses might not be available.

"If the Court refuses to move the trial date, I guarantee those witnesses will be here," the defense attorney asserted.

Further, Farmer said, Beard has informed his employer of the dates he will miss work and has vacated his residence in Florida, placing his possessions in storage.

The defense attorney said he would call expert witnesses who were already scheduled for May.

"I appreciate the fact it would be inconvenient, but inconvenience is not prejudice," Weiford responded.

Weiford also noted that Lobban had asked for a change of venue motion last year and not gotten it until January. "The Court invited a change of venue motion months ago and got it at this late date," he said.

Lobban asked that a change of venue motion be made last October. The defense presented the motion in January.

The judge granted the motion, but did not determine a location for the new trial until mid-April.

Stephen Dolly, who was appointed from the West Virginia Prosecuting Attorneys Institute to assist Weiford in the case, said the question was not one of blame.

"It's all well and good (Farmer) can guarantee evidence will be here," Dolly said. "It comes down to a question of fairness. The State will be hamstrung if these critical witnesses cannot show up. We're asked to move forward on good faith assumptions."

Although Lobban denied the motion for a continuance, he did leave Weiford an avenue for re-introducing the motion.

The judge said if two incarcerated witnesses are unable to appear or be deposed or if Weiford's non-resident witnesses who have not previously testified cannot appear, he will entertain the motion again.

"We need to try this case in May," Farmer said after the hearing. "It's gone on long enough. I just hope the prosecution does what it's supposed to do to proceed."

Lobban authorized the deposition of one witness too ill to testify at trial.

The judge closed the court room to the public and the press for two hours while hearing the testimony of two witnesses Weiford had planned to use at trial.

Although Lobban did not rule publicly on the use of the witnesses, Weiford later said he would be allowed to use one of those witnesses.

Lobban said the exclusion of the press was "necessary."

Beard remains free on \$150,000 bond.

County Commission hears request for water service

Tom Sharp and Mike Hefner appeared before the County Commission at its regular meeting on Tuesday concerning a water system for the Brownsburg area.

Mr. Sharp presented the Commission with a petition signed by 137 people, representing 89 of the nearly 100 homes in the Browns-town area, requesting a public water system. He said a few people have good water in the area but most have either little water or plenty of water, but of bad quality. Mr. Sharp noted he has a good well but has to replace a pump almost annually.

Mr. Hefner said he has put \$7 to 8,000 in his water system since 1994.

They said they will be discussing the extension of Marlinton's water system to serve their area at the town council meeting Tuesday night. A project by the Pocahontas County Public Service District is also a way to provide the water.

Commissioners expressed their support for the project and offered to help in any way the county can.

It was reported that the City of Charleston has agreed to purchase the plate and frame filter press on the sewage plant at the East Fork tannery site for \$15,000.

Bids were opened for a pick-up truck at the tannery and hay on the tannery land and the county owned land at Green Bank.

The high bid for the truck was \$651 from Carlen Shinaberry. Other bids were from Paul Lane, \$225, James Whitte, \$150, and George Sheets, \$105.

Only one bid for each site was received for the hay. Henry Grimes bid \$176 for the Green Bank hay and Ron Warner bid \$105 for the tannery hay.

The high bid for the truck and the two hay bids were accepted.

Approval was given for a contract with the West Virginia Development Office for a \$15,000 Community Partnership Grant, which will be used at part of the clean-up cost at the tannery.

The required test for the optical scan vote counting machine was conducted with no problems.

The commissioners made a visit to the Marlinton Opera House to view the progress being made in the renovation of the structure.

Orchids
to the Presbyterian Church Women for sponsoring the blood-mobile on March 31 and all volunteers who are so faithful to help. There were 60 donors, six deferred and 54 units collected, including from three first-time donors.



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AN ORIGINAL PHOTO of the fair, horse show held in Hillsboro in 1915. Photo furnished by Ruth Taylor,

Little Levels Heritage Fair to celebrate timber

An old photograph of the Pocahontas County Horse Show in Hillsboro in 1915 sparked the idea to recreate a fair to celebrate the heritage of the Little Levels areas.

The fair is designed to showcase local talent and products and serves as a fund raiser for volunteer and civic organizations of the area.

The theme this years is Timber! Our Heritage.

The first settlers of European descent viewed a land rich in timber, a place to homestead and raise

their families. The area remained an agricultural haven until the turn of the century when railroads and saw-mills encompassed the entire area, over mountains, hills, through the valley and along the Greenbrier River. The coming of the Greenbrier Railroad in 1900 opened the area to new industry, employment and available goods and services. It also created a way to export timber and farm products to the outside world.

At the turn of this century, the

Little Levels area has nearly come full circle, back to being an agricultural community. The rails have gone back to the earth in the mountains and the hills and the rails were removed from the Greenbrier Railroad. The Greenbrier River is now paralleled by the Greenbrier River Trail.

The trail has been designated as West Virginia's Millennium Heritage Trail. Many events are planned throughout the year 2000 to focus on the importance of maintaining

the heritage through progressing into the current times.

The Little Levels Heritage Fair, Inc., will always be the last weekend in June to coincide with the celebration of the June 26 birthday of Nobel and Pulitzer Prize winning author, Pearl S. Buck, a Hillsboro native.



es 100—and plans to celebrate

by William P. McNeel

The year 2000 will see several centennials in Pocahontas County. Marlinton was incorporated in April, railroad service began in the county, and a new town, Cass, was founded at the mouth of Leatherbark Creek.

This year the residents of Cass will celebrate the 100th anniversary of their community with a variety of activities beginning on May 26.

As the 19th century was coming to an end, the needs of a growing national economy for wood products were beginning to focus on the timber resources of eastern West Virginia, including the Greenbrier Valley of Greenbrier and Pocahontas Counties.

The vast stands and great variety of timber in this part of the state had long been known to the lumber industry, of course, but lack of transportation and other sources of timber had protected the forests of the area from the lumberman's ax.

This situation changed in the years following the Civil War. Railroad lines began to be constructed into the mountains of West

Virginia and other timber supplies in the eastern United States were being depleted. The completion of the Chesapeake and Ohio Railway's line into Greenbrier County in 1869 opened the Greenbrier Valley and its resources to national markets.

The first timbering in Pocahontas and northern Greenbrier Counties involved the white pine, which was floated to Ronceverte in the annual "log drives" on the river. The amount of timber that could be removed in this fashion was limited, however.

A rail line was needed up the river and the catalyst for this came with the plans in the late 1890s of the West Virginia Pulp and Paper Company for a new paper mill, to be located at Covington, Virginia. To supply the necessary pulpwood, the company purchased a large tract on Cheat Mountain with red spruce and other timber.

The paper company had to have a way to get the pulp wood to Covington and this was enough potential business to enable the C&O to justify the construction of the line



TAKE A TRIP into history at Cass this year as the town celebrates its centennial.

up the Greenbrier River.

As the railroad was working its way up the river, the paper company was making decisions. And an early one was that the mouth of Leatherbark Creek would be the site of its railroad with the C&O. A sawmill was also being planned here, since the company had timber more suitable for lumber than pulp.

In April 1899 the 136 acre Curry/Gum farm at the mouth of the creek was purchased by WVP&P.

The next year, plans were well underway for a town and in May, 1900, the first reference to the town's name as Cass—for company vice-president Joseph K. Cass—was made.

By the end of 1900, the railroad had arrived and pulpwood ship-

ments began in January, 1901. The sawmill was in operation a year later.

A post office was established in the new town in 1901, the town's incorporation came a year later in August.

Growth was quick for Cass as it was base for the largest lumber operation in the Greenbrier Valley. The population of the town grew to nearly 2000 and for many years it was the largest community in Pocahontas County.

The Cass Centennial celebration will begin with a day of activities on May 26. Special events on that day include:

10 a.m.-noon: The opening ceremony held at or near the depot. There will be a variety of speakers, relating the history of the community.

Noon-1 p.m.: Mike Bing and the Brown Baggers will perform traditional mountain music

1 p.m.: trip to Whittaker Station and a visit to the Mountain State Railroad and Logging Association's logging camp display. To reserve a place on the train ride, call 800 336-7009.

3 p.m.: World champion wood choppers, the Cogar Family and Mel Lantz will demonstrate traditional chopping techniques. On Front Street near the Cass Community Center.

For more information on the Cass Centennial activities contact the Pocahontas County Convention and Visitor Bureau, 800 336-7009 or www.pocahontascountywv.com

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Vicki Durian



Nancy Santomero

Nine man, 3 woman jury R will decide Beard fate

The second trial of the man accused of the 20-year-old Rainbow Murders began Tuesday in Sutton, Braxton County. By the end of the first day a jury made up of nine men and three women had been seated for the trial.

Jurors underwent several hours of voir dire interviews, including individual voir dire interviews, before a jury was seated after 6 p.m. Only a few members of the jury pool remained when the jury was completed.

The trial will get underway on Wednesday.

Jacob Wilson Beard, 54, was convicted in 1993 of the 1980 slayings of Nancy Santomero of Huntington Long Island NY and Vicki Durian of Wellman IA.

The women were traveling to an annual Rainbow Family Gathering held that year on the Monongahela National Forest. Their bodies were found on Briery Knob, a remote section of southern Pocahontas County. Santomero, 19, and Durian, 26, were shot to death at close range by a high-powered weapon.

Beard was sentenced to two

concurrent life sentences for the killings, but was freed in 1999 after a circuit judge set aside the conviction based on the affidavit of one of Beard's co-defendants and the confession of a white supremacist serial killer.

That serial killer, Joseph Paul Franklin, awaits death by lethal injection in Missouri. The mid-western state would not allow Franklin to be brought to West Virginia to testify, nor would it allow him to be transported to St. Louis to be deposed by video-conference.

Franklin has been convicted of the murder of a man outside a synagogue in Missouri and two black youths in Cincinnati, OH. Franklin has said he killed the women because one of them admitted she had dated a black man.

The trial was moved to Braxton County from Greenbrier County because of publicity. The 1993 trial was transferred from Pocahontas County because of public sentiment.

Beard has maintained his innocence in the 20-year-old case and has been free on \$150,000 bond.



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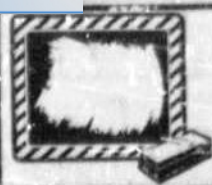
changed the date for a candidate elected to fill an unexpired term to a board of education to assume their position

Prior to the change in the law, persons elected to an expired term took office as soon as the election was certified. The change set July 1 as the date for persons elected to an unexpired term on boards of education to assume office. This is the same date that candidates elected to full board terms take office.

In the election last week Diane Buzzard was elected to fill out the term of William Leary, who resigned last year. We have reported she will take office at the May 22 meeting. However, this is not the case and she will assume her seat on the board on July 1.

For other offices there is no change in the law and the candidates elected to fill unexpired terms take office as soon as the election is certified.

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School Talk

by Gibbs Kinderman

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t-Lunch - Supper - Full Menu

I very much appreciate the opportunity the citizens of Pocahontas County have given me to work for you as a member of the Board of Education over the last 14 years. I also want to thank Bill McNeel, Pam Pitt, and Jane Price Sharp for allowing me to talk with you about our schools through this column. It was a regular weekly feature from 1987 through 1993, and has appeared from time to time since then. I hope that it has helped some of you to understand why the schools do what they do, and to think about some issues facing parents and teachers.

The columns about Ritalin a few months ago, and the letters and e-mails in response, are an example of what I hoped SCHOOL TALK would do: stimulate discussion, debate, dialogue, and, most importantly, serious thought about how we educate our K-12s. Jason Sharp wrote a letter saying my first Ritalin column was the most stupid thing he'd ever read written by a public official. I hope his decision to be a candidate for the Board of Education was at least in part stimulated by his views on this very important issue. Jason was a very thoughtful and clear-headed candidate. I hope he tries again next time.

As I leave the Board, I feel led to share with you my thoughts regarding the overwhelming vote against the proposed excess levy last week. First, it probably wasn't timely—there is a great deal of uncertainty as to the impact on taxpayers of the reappraisal which will be reflected in the tax bills coming out this summer. And there really wasn't time to mount an effective grass roots campaign in favor.

Second, too few of the key players really thought the levy had a chance to pass. Of the Board members, only Bruce McKean pushed aggressively for the levy, although Lowell Galford also spoke in support. The other Board members were notable for their public silence on the topic. A question that some of the Save Our Schools Committee members might ask is—if the Board wasn't really strongly behind the levy, why was it put on the ballot?

Third, the purpose of the levy was apparently unclear to many voters. Aside from the specifics of funding 4-H, public libraries, and the Health Department, which were perceived by some as not a central concern of the school system, several people felt that the language of the levy call was too broad. There weren't any "hot button" items—like cutting vocational programs or moving the 3rd grade to the high school—mentioned in the levy call. To some it seemed like the school system just wanted more of their money.

One thing seems clear: the hard core of electoral support for public education amounts to at least 25%, those who voted for the levy despite the threat of automatically increased taxes due to reappraisal, a less than vigorous campaign by the public officials concerned, and the vagueness of the levy call. However, it's obvious that the citizens of Pocahontas County as a whole are far from convinced that the school system needs—and deserves—more of their hard earned money.

My years on the Board lead me to believe that more and possibly drastic cuts may well be needed if the county is not willing to support extra taxes over and above what the State makes available. But the burden of proof lies with the school system to convince the voters. Here are a few suggestions for those who follow me on the Board:

(1) Don't put a levy on the ballot again unless a clear majority of the Board members are in favor and willing to work for its passage;

(2) Make sure that the purpose of the levy is clearly defined—and that it addresses issues of importance to major sections of the electorate;

(3) Before trying a levy again, make a stronger effort to reach out to the vast majority of the community that doesn't have children in school. For example, what has the school system done for senior citizens lately? I would guess that at least 50% of all those who vote in Pocahontas are over age 60.

Of the three people elected to the board last week, two were opposed to the levy and one took a "hands off" approach to the issue, so the question of another levy call in the near future may be purely academic. Where did I stand on the issue? I'm one of that hard core 25%. I voted for the levy and made a contribution to the Save Our Schools Committee. But I can sympathize with many of the criticisms which were leveled at the levy call as presented to the voters. I'll be on the radio the morning of Saturday, May 27. If you'd like to rehash the levy question on the air, give me a call about 10 a. m. Let's have some School Talk.

School Menus

May 22-26

Monday: Waffles w/syrup, or cereal, juice, milk. Country baked steak, mashed potatoes, broccoli w/cheese, applesauce, ww rolls, milk.

Tuesday: Breakfast pizza, or cereal, juice, milk. Ham biscuit, macaroni & cheese, California vegetables, peaches, milk.

Wednesday: Ham gravy w/bread, or cereal, juice, milk. Nachos w/chili & cheese, baby carrots, potato wedges, fruited jello, milk.

Thursday: Student Menu.

Friday: Egg omelet, toast, or cereal, juice, milk. Pita pockets w/ham, beef, mozzarella & American cheese, lettuce & tomato, green beans, apple wedges, milk.

**Memorial Day
May 29**

**Huckleberry's
Steak &
Trout House**

Wednesdays

**HUCKLEBERRY'S
Hump Day**

Dart Tournament

Saturday, May 20
Live Band
"Just Say No"

Restaurant Closed Sunday
Bar open at 1 p.m.
for Nascar

Sparks Family day, Sunday, 1 noon, Ambassadors Campground, more information Sparks Jackson or ejackson@net. Clawson Cemetery. Plays play and a contact people who of getting this HHS Class May 27, 3 p.m. Public Library Classmates, reunion, celebration Mace Family 11 a.m., Ma Park, Stillwell dish. Descender (Billy) Mace. Adkison-Camp Williamson no date provided Droop Mountain Park. Bring a for auction and family newsletter contact Bill Mason CCCs: Saturday provided, Wat CCC alumni, Service person Gragg Family 10, 10:30 a.m. Marlinton. Bring enjoy the day. Adkison-Camp Saturday, June Mountain Bald south entrance, dogs will be favorite dishes, annual auction contact Gladys 2501, Wanda 4306, Bill Mas Dilley Family 25, 12 noon, Picnic Shelter, business meeting or raffle item, plenty of drink provided. Conris, 3531 Oly Cove Springs phone 904-1ellamorris@a

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Beard stands trial for me in Rainbow Murders

Murders.

Jacob Wilson Beard, 54, is accused of the 1980 slayings of Nancy Santomero, 19, of Huntington, Long Island, New York, and Vicki Durian, 26, of Wellman, Iowa.

Santomero and Durian were found shot to death at close range by a high-powered weapon on Briery Knob, a remote section of southern Pocahontas County.

Beard's second trial was moved to Braxton County from Greenbrier County because of pre-trial publicity. The case was moved from Pocahontas County in 1993 because of public sentiment.

The Greenbrier County jury convicted Beard of two counts of murder in the first degree and recommended no mercy, meaning he had no possibility of parole.

In 1999, Senior Status Judge Charles Lobban set aside the jury's verdict after a serial killer, Joseph Paul Franklin, confessed to the crimes under oath and Beard's former co-defendant, Arnold Cutlip, filed an affidavit that potentially impeaches a key prosecution witness.

Beard has maintained his innocence in the slayings since he was arrested in 1992.

Wednesday, May 17

Former medical examiner testifies in Rainbow Murder Trial

The medical examiner who nearly 20 years ago performed autopsies on two women found shot to death in Pocahontas County testified Wednesday in the trial of their accused murderer.

Former State Medical Examiner Irwin Sopher testified that Santomero, Durian were shot with a high-powered weapon at close range.

Santomero was shot three times, Sopher said, with two of those shots, including one to the head, being fatal. Durian suffered two parallel, rapid-fire gunshot wounds to the chest, both of them fatal, the former medical examiner testified.

Gunpowder residue found on both women around the entrance wounds showed they were shot from less than a foot away, Sopher testified. A significant amount of blood pooled around the entrance wounds proved the women were not shot where they were found, he said.

Sopher testified that the women could have been shot as early as 4 p.m. on June 25, 1980, an estimation defense attorney Stephen Farmer attempted to discredit using Sopher's original report and a medical text in which the former medical examiner had written a chapter on rigor mortis.

Rigor mortis, the stiffening of the body after death, typically begins in the jaw and neck muscles two-to-three hours after death occurs under normal conditions, Sopher testified.

Farmer repeatedly hammered Sopher with his original report which states the time of death at 7 p.m., a time defense attorneys say their client, Jacob Beard, was attending a board of education meeting in Marlinton.

Sopher said that although EMTs on the scene reported no rigor mortis at 10:15 p.m., he did not believe those attendants would have checked small muscle groups in the jaws and neck.

"You cannot take that parameter alone and establish a time of death," Sopher said. The time of death of the original report is "not written in stone," he continued.

"You're taking this rigor mortis thing and rigging it out to the bone," he shot back at Farmer.

The defense attorney also focused on a smear of blood found on one of the victim's hands which was reportedly not dry at nearly midnight.

Sopher said that dew could cause the blood to remain moist for longer than normal. Since he said he was not made aware of dew point on the evening of the murder, Sopher refused to place any weight on the wet smear of blood.

Dr. Robert Must, of Hillsboro, the man who found the bodies, was the state's first witness.

Must said he found the women shortly before 9 p.m and drove to the nearest telephone to call the Pocahontas County Sheriff's Department after he determined they were dead.

Must was not a doctor at the time.

And Pamela Wilson, a pivotal witness for the prosecution, read from her testimony in the 1993 trial transcripts.

Wilson testified she saw two young "hippie-type" girls get into Richard Fowler's van on June 25, 1980.

"I told my mother those girls shouldn't have got in with them," Wilson read.

Fowler, who now lives in Virginia, was indicted for the crimes in 1993 along with Beard and five other men. Charges against him were dropped after Beard was convicted in 1993.

Fowler's name appears on the prosecution's witness list for this trial.

Thursday, May 18

Witness says story changed because she feared defendant

A prosecution witness testified Thursday she omitted portions of her recollections of the day two women were murdered in Pocahontas County from her 1993 testimony because she was afraid of the defendant.

Odessa "Sis" Hively, of Droop Mountain, testified she saw Jacob Beard at the entrance to Droop Mountain Battlefield State Park between 5 and 5:30 p.m. on the day of the murders.

During Beard's first trial for the murders in 1993 Hively placed Beard's truck at the park entrance along with Gerald Brown's and Arnold Cutlip's trucks and Richard Fowler's van. But Hively then said she saw no people at the park.

Thursday, Hively testified that Beard was in his truck and Brown and Cutlip were standing beside the vehicle.

Brown, Cutlip and Fowler were indicted along with Beard in 1993. Brown is now deceased.

Defense attorney Stephen Farmer reminded Hively of her previous statements and testimony that mentioned only vehicles at the park.

"I'm aware of that," she said. "I was scared at that time. I was scared because I have two kids."

"Your story's grown quite nicely, hasn't it?" Farmer asked Hively under cross examination.

"That's the way I remember it," she answered. "I have told my parents that. Many times."

Prosecuting Attorney Walt Weiford asked Hively about her fear.

"Were you afraid of Jake Beard?" he questioned.

"Yes, I was," Hively said. "I knew I saw him (in 1993) but I was afraid."

Beard testified in his 1993 trial that he was working in the field for a Greenbrier Tractor Sales customer whose name he could not remember and quit at 5:15 p.m. That time is hand-written on Beard's time card.

Hively also testified she saw Beard later at a Pocahontas County Board of Education meeting where, she said, the defendant appeared to be drinking. "His face was red as blood," Hively said. "And he was up arguing and you could smell it on him slightly. I wasn't sitting that far away."

In fact, Hively said, she was seated directly across from him and his wife, Linda.

Hively testified that although the meeting was supposed to begin at 7 or 7:30 p.m., it was delayed because so many people attended to oppose consolidating Hillsboro School with Marlinton.

The meeting was moved to the school cafeteria, which was being used for a dinner, Hively said, and did not begin until 8 or 8:30 p.m.

Droop Mountain resident Steve Goode testified that he saw Beard, Fowler and McCoy at Brown's trailer on the same evening with a water hose connected from the residence and in the back of the van.

"They just worked around the van like they was washing it," Goode said of the trio.

He said he walked past the Brown residence on his way to meet Mike Hively, Sis Hively's husband, to spend the evening cutting bait.

Mike Hively was not home, Goode said, so he waited on the porch of the Hively residence where activities at the Brown residence were clearly visible.

On cross examination, defense attorney Miles Morgan asked Goode that if Brown's former wife, Drema, said that the trailer offered no access to water from its front would she be wrong.

"She's wrong," Goode said.

And the man who has investigated these murders for nearly 20 years briefly took the stand to outline how the investigation evolved in 1980 and how Beard became a suspect.

Former First Sergeant Robert Alkire, now a temporary investigator for the Pocahontas County Prosecuting Attorney's office, said he was called to the scene of the crimes on June 25, 1980, but stopped first at Pocahontas Memorial Hospital in Marlinton to examine the bodies of Santomero and Durian.

Alkire said he noted their belongings and the fact Santomero was missing a sandal.

The women had no identification, thus, Alkire testified, the police used several means, including area newspapers, to try to identify them.

Investigators believed the women were traveling to the Rainbow Gathering because of their clothing, he said.

Santomero and Durian were identified by family members nearly two weeks later, he said.

Their belongings, including Santomero's missing sandal and both backpacks, were found at the end of deer season in 1980 near Hico, almost 60 miles away, Alkire testified.

Beard became a suspect in 1982 after he called Durian's father in Iowa and said he was ashamed of the police in Pocahontas County because the case was not solved, Alkire testified.

Beard told Howard Durian he "wanted to get the ball rolling again on the investigation," and that he would call back the next evening, Alkire said.

Howard Durian contacted Alkire who said he made arrangements for Iowa authorities to trace the call.

The call was traced to Beard's Denmar residence, Alkire testified. The man did not identify himself in either call, Alkire said.

Alkire said after he questioned Beard in 1982, the man told him to check a Chevy Nova which was up on blocks on a Hillsboro side street and to talk to two local women. None of those leads produced any evidence, Alkire said.

The investigator, who spent several hours over the course of several days on the witness stand in 1993, was on the stand for only 30 minutes Thursday since the defense did not cross-examine him.

Arnold Cutlip's live-in companion, Virginia Schoolcraft, testified that she heard shots about 4:30 p.m. coming from the area believed to be where the women were killed.

Schoolcraft and Cutlip were living in a cabin on the Briery Knob Road.

The woman said she heard her baby crying on the front porch and went outside to comfort her when she heard the rapid shots.

"It was like 'bang, bang, bang,'" she said.

Schoolcraft said she did not hear any other noises and no traffic on the road that day; however, she said she could not hear activities outside her home if she was inside.

State's eye-witness Johnnie Washington Lewis lived with Schoolcraft and Cutlip at the time because, she said, he had nowhere else to go.

Lewis helped Cutlip cut locust posts, she said.

The pair came in drunk that evening between 8 and 8:30 p.m., she said, Lewis to the point of needing help from Cutlip to get inside before he passed out.

Schoolcraft said she did not see Cutlip and Lewis before that time on June 25, 1980.

The 1993 testimony of two other witnesses was read into the record because they could not travel to West Virginia.

Santomero and Durian's traveling companion, Elizabeth Johndrow, testified that she parted company with the other women on June 24, 1980, near Richmond, Virginia, after breakfast.

Johndrow said she had called home and found out her father was to be married that Friday and wanted her to attend the wedding.

Santomero and Durian waited for her to catch a ride north and were still waiting on their own ride when she left them, she testified.

The date has caused defense attorneys some consternation since Johndrow's early statements to police said it was June 25, 1980, around 1 p.m. when she left Richmond.

Johndrow said she sat down with an atlas and Alkire and plotted the days. The women left Iowa on June 20, 1980 and spent four nights on the road, she said.

Johndrow did not travel to Sutton because her non-resident subpoena has not been served.

Another 1993 testimony, that of Jerome Davis, was also read into the record.

Davis said he had previously owned Fowler's van and had painted it a dark blue metallic color with a black enamel stripe around the bottom and also replaced the factory-made bumpers with wooden ones.

He said he also outfitted the interior of the van with a bed in the back and covered the rear passenger side window with a quilt his wife made. The van had brown carpet covering the dash and the floor, he said.

Davis could not travel to West Virginia for medical reasons.

And the deposition of Alice Roberts, a Virginia resident, was read into the record.

Roberts, the mother of Pam Wilson, testified that she and her daughter saw two young "hippie-type" girls get into Fowler's van on the afternoon of June 25, 1980, between 2 p.m. and 5 p.m.

Wilson's testimony the previous day nearly mirrored her mother's, although neither could positively identify Santomero or Durian.

Members of the Santomero family have been present since Wednesday.

Rainbow Murder Trial

continued from page 2

Friday, May 19
Rainbow defendant's threats kept witness silent

A witness testified Friday that because of threats from the defendant in the Rainbow Murder Case, she was afraid to give investigators more details when she was questioned.

Betty Bennett Pritt, who now lives in Virginia, said Jacob Beard came to her home in a Hillsboro trailer park and made threats to her child.

"He just came in and proceeded to tell me," she said. "He got down on the floor at my feet and laid his arms across my knees and told me bluntly and coldly I was not to say anything at all. I was to keep my mouth shut."

"He said 'Stevie will be very easy to take to my farm to ride ponies and he'll never be heard from again.'"

Pritt, who once was a friend of Beard's former co-defendant, Richard Fowler, said Beard specifically mentioned the Rainbow Murders during the course of the threat.

Fowler confided in her, Pritt said; however, she was not allowed to testify about what he said because of the hearsay rule.

Pritt's son was three-years-old in 1980, she said.

"Your story has grown quite nice!v, hasn't it?" lead defense attorney, Stephen Farmer, said.

Pritt has on four other occasions said Beard had made threats to her son, but did not mention the Rainbow Murders.

"I was afraid to say everything I wanted to back then," she said. "Because I didn't know if Jake would be free to hunt us down."

On the previous day, Odessa Hively also testified that she withheld information from investigators because she had children and felt threatened.

Former Droop Mountain resident Bill Scott, now of Green Bank, testified that he saw Beard coming out the entrance to Droop Mountain Battlefield State Park between 3:30 and 4 p.m. on June 25, 1980.

Scott said Beard nearly caused a collision when his vehicle came "sliding out" the park entrance onto the graveled shoulder.

Beard headed north toward Hillsboro, Scott said.

Scott is the second witness to place Beard on Droop Mountain at a time when he has testified he was working in the field for a Greenbrier Tractor Sales customer whose name he doesn't recall. Beard's time card from Greenbrier Tractor Sales shows a handwritten clock-out time of 5:15 p.m.

Other prosecution witnesses testified concerning the whereabouts of Beard's former co-defendant Bill McCoy.

Mike Brock, of Hillsboro, testified that he heard shots coming from the Briery Knob area on the afternoon of June 25, 1980, while he and a companion were groundhog hunting in the nearby Hills Creek area. Later, Brock said McCoy called him and invited himself fishing.

McCoy had never done that before, Brock said, and has not gone fishing with him since.

Brock said at that time he went fishing every day about 6 p.m.

Dale Morrison, of Renick, testified he saw Fowler, McCoy and two other men in Hillsboro a few days after the murders fixing bullet holes in Fowler's van door. The bullet holes had been fired from the inside, Morrison testified.

Morrison said Fowler explained to him that McCoy had gotten drunk and shot up the van and they "had to take the gun away from him."

For the remainder of the day experts took the stand, including a defense witness on human memory and prosecution witnesses on ballistics and vehicle paint chips.

Dr. Elizabeth Loftis, a professor of psychology at the University of Washington in Seattle, outlined typical traits of human memory.

Loftis pointed out studies that show adults can be suggestible when given inaccurate details about their childhood, as well as when repeatedly told incorrect information.

Alcohol or marijuana intake, stress and trauma can contribute to memory loss, as well, she said.

Prosecution witnesses Winters Charles Walton and Johnnie Lewis have both testified that they were drinking when the murders occurred. And Lewis has at times said he did not recall seeing the murders and at other times he has. Loftis called that "unusual."

Lewis testified under oath in 1993 that while he sat in Arnold Cutlip's truck he saw Beard shoot the women.

Cutlip has filed an affidavit that says he was with Lewis all day on June 25, 1980, and they did not see Beard.

Under cross examination by Steve Dolly, from the Prosecuting Attorney's Institute, Loftis testified that an adult's memory could be enhanced if given correct information about an event.

Loftis' testimony was taken out of order because of the distance she had to travel.

Dolly is assisting Pocahontas County Prosecuting Attorney Walt Weirford with the case.

A ballistics expert testified on behalf of the prosecution about the bullet fragments found in Santomero's body.

Former State Police Sergeant Clarence "Rocky" Layne testified that the bullets were reloads, or used shell casings refilled with powder and capped with new bullet tips. Those bullets were likely .41 or .44 Magnum, he testified.

Layne also said the weapon was more likely a revolver than a rifle, but could have been a Ruger .44 Magnum carbine.

No firearm has ever been identified as the murder weapon.

Sergeant John Giacalone, who is stationed at the Crime Lab in Charleston, testified about the paint chips found on one girl's body. Giacalone also testified in Beard's first trial.

The sergeant said the chips were layered black primer, gray primer, blue paint and black enamel.

Although Fowler's van did have a 12 inch black stripe painted around the rocker panel, according to its previous owner it was painted blue metallic. Giacalone said the chips may have come from a point of impact or a patched rust spot and would thus not match the rest of the van.

After court proceedings closed on Friday, prosecutors learned that Joseph Paul Franklin, the serial killer who has confessed to the murders, will not grant a second deposition.

According to lead investigator Robert Alkire, Franklin said this deposition would be the fourth time he had spoken with West Virginia authorities and four is a bad number for him.

Monday, May 22
Former co-defendant waivers on witness stand

A man who once was charged with murder in the Rainbow Case waived Monday on the witness stand when asked questions about the day the murders occurred.

Bill McCoy, of Fairlea, said under direct examination by Steve Dolly of the Prosecuting Attorney's Institute that he recalled talking with one of the girls and wanting to make a date with her.

"Do you remember which one?" Dolly asked.

"Nancy," McCoy replied.

However, McCoy said he was not successful and left Droop Mountain Battlefield State Park to go to Hillsboro.

In a statement given to investigators last year, McCoy placed the defendant in the case, Jacob Beard, at the park along with Richard Fowler, Winters Charles Walton, Arnold Cutlip, Johnnie Lewis and Gerald Brown.

McCoy was charged along with Beard and five other men in 1992. Charges against him were subsequently dropped after Beard was convicted.

Two witnesses have testified that they saw Fowler, McCoy and Walton pick up two young women hitchhiking in nearby Renicks Valley.

McCoy at times read from his statement and at other times appeared to testify from memory.

According to what McCoy read from his statement, he recalled picking up the women and helping load their belongings into Fowler's van.

They traveled to Brown's trailer, McCoy's statement said, where they stayed about 30 minutes and then went on to Droop Mountain Battlefield State Park where they drank beer.

Beard was drinking as well, McCoy's statement reflected.

Santomero and Durian were outside the van when he departed for Hillsboro, McCoy said in his statement.

McCoy's statement also reflected his return to Droop Mountain to Brown's trailer where Beard, Fowler, Cutlip, Brown and Walton were "cleaning some blood out of the van."

There were "puddles of blood in the back of the van," McCoy said he told investigators.

And he noticed bullet holes in the rear passenger side of Fowler's van, McCoy testified, as he pointed to the area in pictures of the vehicle.

"When did you notice bullet holes?" Dolly asked.

"When we was cleaning out the van," McCoy answered.

According to McCoy's statement, the men were cleaning out the van with a garden hose.

McCoy also testified he later saw Fowler fixing the bullet holes in the van.

Dolly is assisting Pocahontas County Prosecuting Attorney Walt Weirford.

Under cross examination, McCoy said his statement to police was a work of fiction.

"That statement isn't true is it?" lead defense counsel Stephen Farmer asked.

"No," McCoy responded.

McCoy acknowledged that while he was incarcerated in Las Vegas, Nevada, last year, he was addicted to heroin and was in withdrawal when investigators spoke with him. McCoy said he was "hallucinating."

McCoy described the symptoms of heroin withdrawal and he said he was sick at his stomach, hallucinating, urinating and vomiting. "You'll do anything," he testified.

"Did you want to help them because they could help you?" Farmer asked.

"I was just wantin' to get out to get what I needed," McCoy said.

He got his information from the investigators, he said, while they sat and talked for some time before he gave his statement. McCoy said he told them what he believed they wanted to hear.

Further, McCoy said, investigators gave him money for rent and paid for him to enter a methadone program.

"They said they wanted me to give a statement then and there and then they'd get me out of jail and get me in a treatment program," he testified. "They sent me \$500 for rent so they'd know where I was."

McCoy said he was never around Santomero and Durian and didn't know anything about Beard being around them, either.

"I think I was fishing," McCoy testified.

However, he first said he was not fishing with Mike Brock, a Hillsboro resident who said McCoy called him on the day the women were murdered and invited himself fishing. Brock said McCoy had not done that before and had never gone fishing with him since. Later in his testimony, he said he might have been with Brock.

McCoy also said he was probably in Hillsboro drinking.

"Could you have been running around with Richie Fowler?" Farmer

asked.

"No."

"Did you see Jacob Beard?"

"Don't know. Don't think so."

"Did you see these girls?"

"Definitely not."

"I don't want to lie here," McCoy said.

McCoy also said he spent some time at the gathering. "Just for a day and a night," he said. "Everybody was partying."

He did not say if he attended the Rainbow Family Gathering before or after the murders occurred.

McCoy was granted immunity in the murders in exchange for his testimony just before court opened on Monday; however, Dolly asked that McCoy be treated as an adverse witness, or a witness who is not willing to cooperate.

Dolly called two West Virginia State Police Sergeants in an attempt to discredit McCoy's testimony.

Both officers had traveled to Las Vegas to interview McCoy while he was incarcerated.

And both maintained that while McCoy said he was in heroin withdrawal, he appeared to be coherent.

Sergeant Jack Chambers said he assisted lead investigator Robert Alkire in obtaining drug treatment for McCoy.

"He looked pretty much like he did today," said Sergeant Scott VanMeter. "He was coherent, able to converse."

VanMeter said McCoy didn't do anything unusual during the course of the interview. Both officers testified they had never been around anyone who was in heroin withdrawal.

Another witness Monday placed McCoy with Fowler, Cutlip and Brown at Droop Mountain Battlefield State Park and also said she saw two unfamiliar girls in Fowler's van.

Christine Cook Borchert, of Morgantown, said the group was drinking heavily, as well as smoking marijuana.

Borchert said her boyfriend at the time, Paulmer Adkison, said he "wanted to go party with the Rainbow girls."

"I do believe there were two girls in the van," Borchert said.

Borchert said she did not know Jacob Beard, but there were other people present she didn't recognize.

"I don't know if he was there or not," she testified, "because I don't know Jacob Beard."

Once again, Farmer contended with a witness whose story had changed since 1993.

"Your story's grown quite nicely, hasn't it?" he asked Borchert.

"If you're accusing me of lying, no," Borchert said. "You tend to block out things you don't want to think about."

In 1993 Borchert testified that although she saw Fowler, McCoy, Brown and Cutlip, she did not see any other women on Droop Mountain that day. Two other witnesses have come forward with additional details that did not emerge in their original testimony.

Both those witnesses cited fear as the reason they withheld information from investigators.

Borchert was not asked by either side why she was now recalling additional details.

Court was dismissed early in the day so attorneys could take a video deposition.

State eyewitnesses Winters Charles Walton and Johnnie Lewis were expected to testify Tuesday.

Reunions

Sparks Family: Friday, Saturday, Sunday, May 26, 27, 28, 12 noon, Ambassadors for Christ Campground, Huntersville. For more information contact Helen Sparks Jackson at 1-304-636-1930 or ejacks@neumedia.net.

Clawson Cemetery: Saturday, May 27, 11 a.m., Clawson Cemetery. Plays bring instruments to play and a covered dish. Please contact people who have no other way of getting this information.

Cain Family: Saturday, May 27, 12 noon, Marlinton Municipal Park, Stillwell. Bring a covered dish. Harry R. Cain Family.

HHS Class of 1955: Saturday, May 27, 3 p.m.-5 p.m., Hillsboro Public Library Community Room. Classmates, family and friends for reunion, celebration and friendship.

Mace Family: Sunday, May 28, 11 a.m., Marlinton Municipal Park, Stillwell. Bring a covered dish. Descendants of William (Billy) Mace.

CCCs: Saturday, June 3, no time provided, Watoga State Park. All CCC alumni, Army and Forest Service personnel and family.

Gragg Family: Saturday, June 10, 10:30 a.m., Stillwell Park, near Marlinton. Bring a covered dish and enjoy the day.

Adkison/Carpenter Family: Saturday, June 17, noon, Droop Mountain Battlefield State Park, south entrance. Hamburgers and hot dogs will be provided. Bring your favorite dishes, items for the second annual auction. For information, contact Gladys Carpenter 757-229-2501, Wanda Hansford 804-642-4306, Bill Mason 304-653-2008.

Dille Family: Sunday, June 25, 12 noon, Watoga State Park

Picnic Shelter. Games for all ages, business meeting. Bring an auction or raffle item, a covered dish and plenty of drinks. Paper products provided. Contact: Lella Ann Morris, 3531 Olympic Drive, Green Cove Springs, FL, 32043-8079, phone 904-529-8357, e-mail lellamorris@alltel.net.

Armstrong Family: Saturday, July 1, 12 noon, lunch at 1 p.m., Droop Mountain Battlefield State Park Lookout Tower. Bring a covered dish, family information. Friends welcome. For further information call Amanda at 799-4718. Descendants of Cameron Lloyd Armstrong.

MHS Class of 1955: Saturday, July 8, 10 a.m., Senior Citizens Building, Marlinton. All who attended school with the class are also welcome. For more information contact Phyllis Barnett, 117 Poplar Point Estates, Poca WV 25159 (304-776-4880) or Carolyn Burns, 1500 Parrish St., Marlinton WV 24954 (304-799-4619).

Darnell/Buzzard Family: Saturday, July 8, noon to 7, at the home of Bill and Connie Darnell, 1200 Second Ave., Marlinton. Please bring a covered dish and lawn chairs. Call 304-799-4208 for information.

Rogers/Kellison: The 24th Annual Reunion will be held July 14, 15, and 16 at the Ambassadors For Christ Campground in Huntersville. Registration will begin at noon on Friday. Cabins are available as well as RV hook-ups. The annual auction and children's talent show will be on Saturday. Horse-shoe contests and children's games will be Sunday afternoon following lunch. Everyone is asked to bring

an item for the family auction and also an item for the children's auction. We guarantee a great weekend. For more information call 799-4269.

Dean Family: Sunday, July 16, 10 a.m., Central Union Community Center. Descendants of Alfred G. Dean. Pack a lunch and spend the day.

McNeel Family: Saturday, August 12, location and details available later. McNeel Family of Little Levels.

Schoolcraft/Auldridge Families: Saturday, August 19, 11 a.m., Watoga State Park Picnic Shelter. Bring a covered dish. Friends and relatives welcome.

Rainbow Murder Trial Updates Daily at www.pocahontastimes.com

WV DAY CELEBRATION JUNE 17

JOIN THE
Williamsburg District Historical Foundation at its Museum in Williamsburg, WV to celebrate our state's birthday

\$4 Admission per person includes

- 10 a.m. Flag raising by the JROTC
- Museum tours, Craft/Flea Market Opens, Civil War Camp
- 12 noon Native American Stories and Dancing
- Museum closes
- 1 p.m. Country Cousins
- Musical Performance
- 2 p.m. Bluegrass Connection Performs

Flea Market Tables are available at \$4 per table and can be reserved on 1st come, 1st serve basis by calling Cassandra Perkins at (304) 645-2153

Horse drawn cart rides will be available. Food will be available for additional cost but is not included in admission price.

BOOKS!

Identify that plant, bird or mushroom with "Peterson's Field Guides"

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LITTLE LEVELS HERITAGE FAIR PARADE

Saturday, June 24, 2000
10:00 a.m. (line up at 9:00 a.m. behind Hillsboro school)

Parade route - Route 219, Nicholas & Payne Streets

Advanced registration required prior to June 19, 2000

All entries must fit a local heritage theme: Entries will NOT include loud, distracting vehicles. Horses and horse drawn conveyances are encouraged to enter. "NO CANDY, ETC." may be thrown from the parade entries.

WALKING: SINGLE OR GROUPS IN HERITAGE DRESS.

Entry Form

PIONEER DAYS PAGEANTS

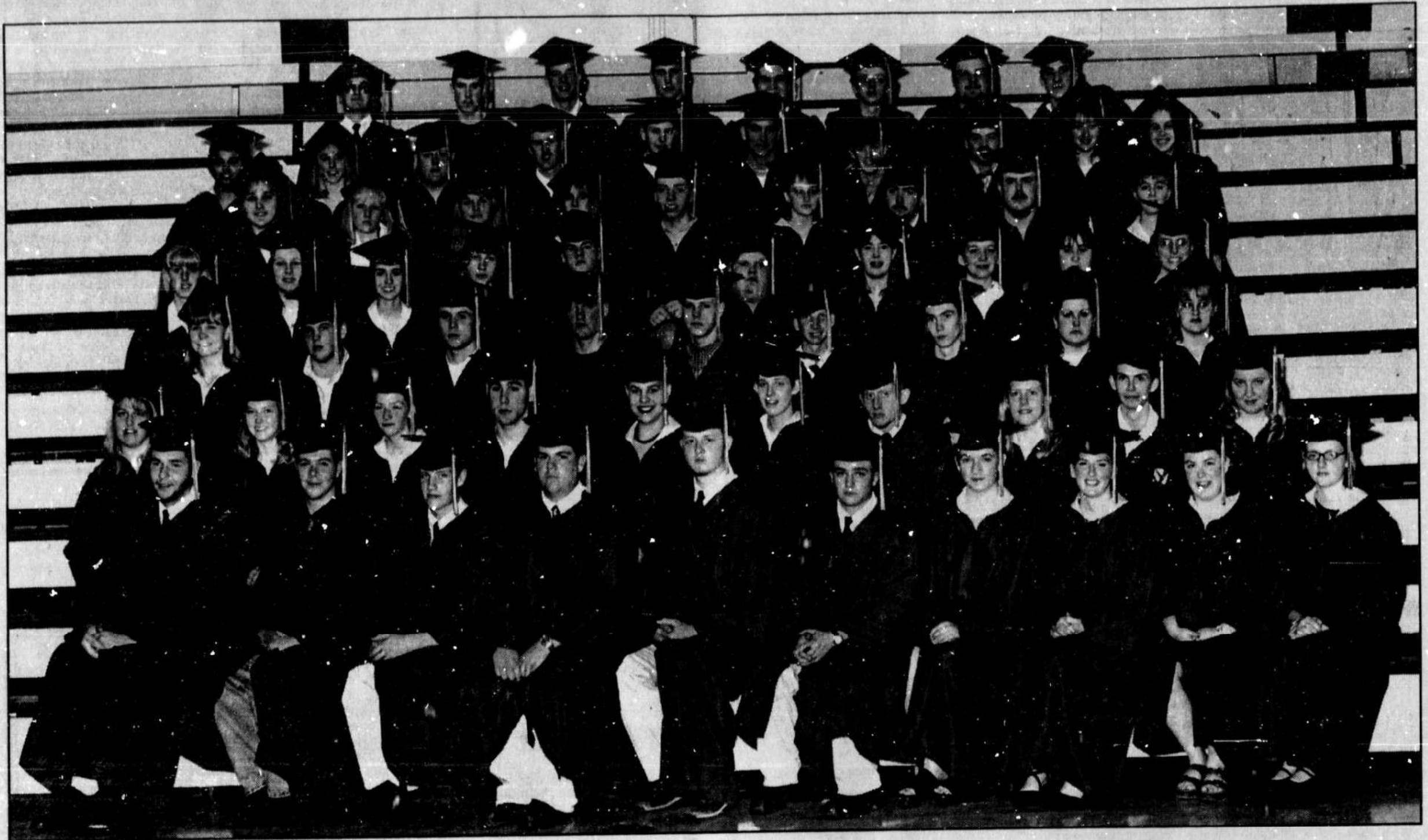
Send completed form with wallet size photo and correct entry fee for category entered to: Pioneer Days Pageants

Rt. 1, Box 357B
Marlinton, WV 24954

Mail entries only. Deadline is June 5, 2000 - no exceptions. Entry fee and photo must be included or photo will not be included in the brochure.

Little Miss Pocahontas (Fee - \$20.00) must have completed

CONGRATULATIONS, CLASS OF 2000



as County High School Class of 2000

Jeffrey Allen Bauserman

KaSandra Lea Burdette

Chad Lawrence Corbett

Alissa Daniell Doss

Jessica Lee Evans

Matthew Joseph Gay

Joshua Hayes Grogg

Hollie Ann Hollandsworth*†

LaKisha Renee' Johnston

Johnny Lee Landis

Marie Evelyn Mellinger

Jason Reed

George Bradley Sewell

Dustin Eugene Simmons

Jonathan Lloyd Smith *†

Courtney Renee Taylor *†

Michael Roger VanReenan

Jessica Ruth Walkup *

Matthew Lee White

Warren Balogh

Melissa Margaret Bond *†

Carrie Lucille Burns

Alicia Dean

Clinton Ervine

Christina Louise Fischl †

Elizabeth Joanne Glaser †

Jessica Lynn Hamman *†

Aaron William Huffman *†

Douglas Jones

Jonathan Lee Mallow

Kristin Nicole Morris *†

Matthew Eric Rhea

Blair Ede Sharp

Clarissa Sylvia Smallridge *†

Melody Dawn Smith

Joshua Adam Thompson

Steven VanReenen *

Heather Ann Walton

Denny Wimer

Rachel Valen Barb

Stacy Marie Bond

Cathy Lucille Burns *†

Alison Nicole Dickenson

Jason Ervine

Harry H. Fisher

Troy Lee Goddard

Andrea Jean Hefner *†

Amanda Dawn Johnson

Charlie Clyde Judy *†

Jamie Lee McCray

Mary Plaughter

Andrew Rider

Samantha Morgan Shaw *†

Caleb Brooks Smith

Tara Lee Stricklin

Virginia Irene Tuttle

Joshua Adam Vaughan

Tonya Lee Waybright

Erin Dale Wimer *†

Jessica Rae Barkley

Jason Michael Broce

Kellyn Lee Cassell *†

Amanda Marie Dilley

Jennifer Ann Evans

Alison Coleen Flegel †

Pamela Lee Grimes

Ginger Ruth Henry *†

Clint Daniel Johnson

Eric Scott Kelley *†

Hillary Dawn McLaughlin

Paige Porter Polhamus

Clayton Allen Seldomridge

Christopher Michael Simmons

Jeremiah George Smith

Brooke Ann Taylor

Thomas Lee Vandevender

Justin Mitchell Wagner

David Shawn White

Amanda Marie Wright *†

*Honor Graduate

†National Honor Society



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Valedictorian
Aaron Huffman

Melissa Bond, of Green Bank, daughter of Mike and Leisha Caspell and Adam and Qun Bond. Melissa plans to attend Shepherd College and major in Secondary English Education and then to continue in school to become a guidance counselor.

Cathy Burns, of Marlinton, daughter of Larry and Shelia Burns. Cathy plans to attend Bridgewater College and major in Education.

Kellyn Cassell, of Dunmore, son of Greg and Brenda Cochran and Jeff and Abby Cassell. Kellyn is going to WVU, majoring in Computer Science/Computer Graphics.

Jessica Hamman, of Snowshoe, daughter of David and Debra Hamman. Jessica plans to attend Alderson-Broaddus College to major in Management Information Systems and minor in General Business.

Andrea Hefner, of Hillsboro, daughter of Lois Workman, of Renick, and Richard Hefner, also of Renick. Andrea plans to pursue a degree at Marietta College.

Ginger Henry, of Minnehaha Springs, daughter of Tim and Kathleen Henry. Ginger will attend Marshall University and study Nutrition/Athletic Trainer.

Hollie Hollandsworth, of Marlinton, daughter of Mike and Evelyn Hollandsworth. Hollie will attend Marshall University and study Biology.

Aaron Huffman, of Lobelia, son of Bill Huffman and Shay Huffman. Aaron plans to attend WVU and major in Engineering.

Charlie Judy, of Bartow, son of Joe and Becky Judy. Charlie will study Radiology at University of Charleston.

Eric Kelley, of Dunmore, son of Scott and Nancy Kelley. Eric plans to attend Shepherd College to get a degree in Environmental Studies and an associate degree in Engineering.

Kristin Morris, of Marlinton, daughter of Susan Gray and Tom Morris. Kristin will attend the University of Alaska for Pediatrics.

Samantha Shaw, of Marlinton, daughter of Kevin and Virginia Shaw. Samantha plans to attend Point Park College in Pittsburgh, Pennsylvania, and study Print Journalism.

Clarissa Smallridge, of Marlinton, daughter of Carol Smallridge and Cecil Smallridge. Clarissa is undecided about future plans.

Jonathan Smith, of Marlinton, son of James and Diana Smith. Jonathan will attend college and major in Architecture.

Courtney Taylor, of Dunmore, daughter of Mike and Cindy Taylor. Courtney will attend the College of West Virginia.

Erin Wimer, of Hillsboro, daughter of Katherine Wimer. Erin will attend Concord College to major in English with an emphasis in Journalism.

Amanda Wright, of Durbin, daughter of Alan and Tammy Wright. Amanda plans to major in Business at the Randolph County Vocational Center.



Salutatorians
Courtney Taylor, Eric Kelley, Erin Wimer,
Jonathan Smith, Ginger Henry



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Honor Graduates 2000

PICTURED IN FRONT ROW: Courtney Taylor, Cathy Burns, Erin Wimer, Samantha Shaw, Hollie Hollandsworth, Ginger Henry, Kristin Morris, Melissa Bond **Row 2:** Jessica Hamman, Andrea Hefner, Jonathan Smith, Aaron Huffman, Eric Kelley, Kellyn Cassell, Charlie Judy, Clarissa Smallridge. **Not pictured:** Amanda Wright



THE CLASS OF
2000

Beard falls ill; mistrial motion denied

Testimony concludes in Beard trial

Testimony in the second trial of a former Hillsboro man accused of murdering two women hitchhiking to a Rainbow Family World Peace Gathering was completed on Friday of last week. After a long Memorial Day weekend, the trial of Jacob Wilson Beard resumed on Tuesday.

The trial was complicated Tuesday by the sudden illness of Prosecuting Attorney Walter Weiford early in the day. Weiford was taken to a Charleston hospital, reportedly with a lung infection. Stephen Dolly, who has been assisting Weiford, will complete the case for the state.

Tuesday also saw a motion by the defense for a mistrial. Senior Status Judge Charles Lobban denied the motion.

Beard, 54, is accused of the 1980 slayings of Nancy Santomero, 19, of Huntington, Long Island, New York, and Vicki Durian, 26, of Wellman, Iowa.

Santomero and Durian were found shot to death at close range by a high-powered weapon on Briery Knob, a remote section of southern Pocahontas County.

Beard's second trial was moved to Braxton County from Greenbrier County because of pre-trial publicity. The case was moved from Pocahontas County in 1993 because of public sentiment.

The Greenbrier County jury convicted Beard of two counts of murder in the first degree and recommended no mercy, meaning he had no possibility of parole.

In 1999, Lobban set aside the jury's verdict after a serial killer, Joseph Paul Franklin, confessed to the crimes under oath and Beard's former co-defendant, Arnold Cutlip filed an affidavit that potentially impeaches a key prosecution witness.

Beard has maintained his innocence since he was arrested in 1992.

Lobban will instruct the jury Wednesday morning and attorneys are expected to give closing arguments that afternoon.

The trial has lasted nine days and over three dozen witnesses have testified.

Tuesday, May 23

Eyewitnesses testify in Rainbow Murder Case

The prosecution presented its key witnesses Tuesday in the 20-year-old Rainbow Murder Case.

One of those witnesses said he saw Jacob Wilson Beard kill two young women on Briery Knob, a remote section of southern Pocahontas County.

Johnnie Washington Lewis, of Hillsboro, said on the witness stand he recalled hearing gun shots and seeing one girl fall and the other start running away from Beard. Beard shot the second girl then, Lewis testified.

"Did you see who shot her?" asked Prosecuting Attorney Walt Weiford.

"Jacob," replied Lewis. Lewis said he believed Beard shot the women because he saw Beard's arm move at the same time he heard shots. Lewis testified he did not see a weapon because Beard's back was to him.

"Did you ever forget about what you'd seen?" Weiford asked.

"Tried to but I couldn't," Lewis said.

No one had to help him remember anything, he said.

The man testified he was seated in Arnold Cutlip's truck when he witnessed the murders. Lewis lived with Cutlip at the time.

He also placed Beard and former co-defendants Gerald Brown, Richard Fowler, Bill McCoy and Cutlip together at Droop Mountain Battlefield State Park as well as on Briery Knob in his testimony.

Lewis said after the murders occurred he and Cutlip went to Hillsboro to a beer joint. Lewis said he had only one beer, while Cutlip "got pretty well loaded."

He lived with Cutlip only two or three days after the murders occurred, Lewis said.

Lewis said he couldn't remember exactly when he told police he'd witnessed the murders.

But when he did tell police, Lewis testified that a "big" fellow shook his handcuffs at him and made him feel "nervous." Police did not tell him what to say about the murders, Lewis said.

Beard's defense attorney Stephen Farmer questioned Lewis extensively on his several statements to police, some of which reflect his being there when the murders occurred and some of which reflect a denial he was there.

"Sometimes you think you were there and sometimes you think you weren't there?" Farmer inquired.

"I think I was there," Lewis said.

Weiford later asked Lewis why he at times said he wasn't there.

"Scared, I reckon," he replied.

"Why did you change your story?" Weiford asked.

"Scared," Lewis said.

The prosecutor briefly addressed Arnold Cutlip's affidavit that says he was with Lewis all day on June 25, 1980, and they did not see Beard.

"If Arnie Cutlip claims not to have seen the killings, is that true?" Weiford asked.

"No," Lewis said.

"Why would he say something that wasn't true?" the prosecutor asked.

"I don't know," Lewis said.

"Would you change your story?"

"No."

"If you didn't see these girls killed, now is the time to say," Weiford told Lewis.

"I seen it."

The prosecution's other witness, Winters Charles Walton, said he recalled being on Briery Knob that day and placed Beard there with a weapon; however, Walton stopped short of saying he saw Beard shoot the two girls.

Walton said he was with Fowler and McCoy when they found out two Rainbow Girls were in Renicks Valley. Fowler drove to the area just south of the Pocahontas-Greenbrier county line and observed the women hitchhiking.

They picked up the girls, he said, and McCoy helped load their backpacks in the van.

From there they drove to Gerald Brown's trailer where McCoy made telephone calls to invite others to party. The girls left the van, he said, and McCoy and Fowler retrieved them.

The group went to Droop Mountain Battlefield State Park where they met Paulmer "Buddy" Adkison, Christine Cook and Beard. Brown followed them to the park, Walton said, and Cutlip came along later with Lewis.

Walton recounted later being on Briery Knob where the group drank, and all the men but Beard smoked marijuana. Fowler and McCoy wanted to have sex with the girls, Walton said.

Those advances were rejected, Walton testified, but McCoy and Fowler held the girls in the van. One fled from McCoy and asked him why they were doing this, he testified. Walton said he told the woman he didn't know.

McCoy and Fowler gave up on their pursuits, Walton testified, and left the van to "party."

Walton said he was seated in Fowler's van behind the driver's seat. He said he could see Beard coming down the hill with a rifle.

Then everyone jumped up in the van, Walton testified, he thought because of shots, but could not recall.

"I was pretty intoxicated by then," he said.

However, Walton said "there was a panic" and he remembered a girl run to the side door of the van.

"She was screaming, trying to get in," he testified. "She backed out."

The girl was not able to enter the van because the men inside were standing in her way, he believed.

"Do you know what happened after that?" Weiford asked.

"She was shot, I guess," Walton said.

Walton said he remembered a person in the floor of the van with a gun, but could not remember who it was.

While he recalled Fowler and two Dean brothers, Larry, and a brother whose name he could not remember, were in the van with him, he could not say whether Beard or McCoy killed the women.

"Was it Bill?" the prosecutor asked.

"I'm not sure," Walton said.

"Was it Jake Beard?"

"He was the one with the gun," Walton testified.

Walton said after the shooting he "blacked out from the shock" and the combination of liquor and marijuana.

"Were you scared?" Weiford asked.

"Yes."

Walton said he later remembered McCoy awakening him in the field above where the girls were murdered.

"He asked me what I did it for," Walton said. "I said 'what?' He said 'shoot them girls.'"

Walton said he told McCoy he didn't shoot the women, but suggested they report the deaths to the police. This suggestion angered McCoy, Walton testified, and McCoy "got mad."

McCoy hit him in the stomach and said, "We ain't goin' to the law," he testified.

Walton said he didn't recall seeing the bodies of the women.

Under intense cross-examination by Farmer, Walton said he was telling the truth when he told investigators he knew nothing of the murders and only recalled details when a "big" police officer picked him up at his workplace and threatened him, hit him in the face, bending his glasses, and told him he could be hit so nothing would show.

The officer took him into the back room of the Marlinton State Police Detachment. In there, Walton testified, the officer, identified as Sergeant Robert Estepp, shoved him from his chair and placed his foot on Walton's neck. Walton said he was "intimidated" by Estepp's actions, and subsequently gave police a statement about the murders, but maintained that Estepp had not told him what to say that day when Weiford questioned him again.

As Farmer pummeled Walton with questions about his memory of the day the murders occurred and when and how it grew, Walton repeatedly said he remembered picking up the women.

"You're not afraid of Mr. Beard, are you?" Farmer asked.

Walton eyed Beard for several moments before answering in the negative. He also said he did not fear Fowler and McCoy.

"Because you don't know who shot these girls," Farmer said.

"Not for sure," Walton replied.

"You'd be afraid of somebody you saw kill two people," Farmer stated.

Walton agreed he would.

Farmer took each of Walton's several statements and dissected them before the jury, pointing out some inconsistencies in details, but Walton agreed with Weiford that the gist of all the statements was the same after 1992.

Walton said he began to recall the murders in 1985 after a conversation with a co-worker at Denmar State Hospital. "I remembered we stopped and picked up two girls," he testified.

He dwelt on the memory, he said. "I pretty well thought of it every day," he testified. He started to remember more things, he testified.

But Walton did not go to the police with his recollections. "I was holding back," he testified. "I didn't want to get involved."

When lead investigator Robert Alkire questioned him in March, 1992, Walton said he provided Alkire with a list of people who were on Briery Knob that day, including Beard.

Walton also testified that he called Alkire on occasion because he "wanted to tell him about those two girls."

The prosecution rested its case Monday, but will call one witness out of order.

Senior Status Judge Charles Lobban denied a defense motion for a directed verdict of acquittal. Farmer told the court the prosecution's case was "guilt by association."

Lobban said the evidence was sufficient to go to the jury.

Wednesday, May 24

Jury hears serial killer's confession to Rainbow Murders

The jury in the Rainbow Murder Case heard the confession of a convicted serial killer Wednesday. Joseph Paul Franklin, 50, confessed that he killed the women because one of them said she dated black men and the other said she would go that if she had the chance.

"So I just decided to waste them at that time," Franklin said.

Defense attorneys representing Jacob Beard played the video deposition that lasted over two hours.

Franklin has periodically confessed to and then denied committing the murders. The self-proclaimed white supremacist is now on death row in Missouri for the murder of a man outside a synagogue. Beard has always maintained his innocence in the June 25, 1980, murders.

During the 1997 deposition Franklin said he picked up the women on an Interstate highway when he was headed west out of Virginia. He turned the conversation toward their feelings about blacks, he said, and had already planned to kill both women when they stopped at a convenience store where he purchased gasoline.

Franklin said he drove to a remote area 10-15 minutes from the convenience store when he turned off onto a small road surrounded by trees and pulled a gun on the women as he told them he was going to rape them.

Both women refused his advances, he said, and he realized trying further would be futile; however, Franklin testified the threat of rape was a ruse just to get the women out of his car.

Franklin said he was either standing outside the car or on his way out of the car when he shot the first woman, then he fired a wild shot at the one in the back, shot the first woman again, then "whirled around and shot, aimed more carefully with both hands at the second one and shot her in the head that time." Franklin said he was a few feet from the women at the time.

He first said he pulled the woman in front out the driver's side, but then agreed with defense attorney Brandon Simms that he pulled them out on the passenger side and left their bodies beside the dirt road.

Franklin said he fled the scene and drove out in the same direction he'd arrived. He met a car and averted his head so the driver wouldn't recognize

Continued to page 4

Murder Trial Page 2

him, he said. He disposed of the women's duffel bags in "what appeared to be a dump" several miles from where he shot the women, he said.

The serial killer said he was on his way to Lexington, Kentucky, after he had robbed a bank in Burlington, North Carolina, on the previous day. He traveled to Virginia Beach, Virginia, in the interim, he said. Franklin said he was driving a black Chevrolet Nova that had been light blue before he painted it. That pattern matches vehicle paint chips found on one of the women's bodies, according to a State Police Crime Lab sergeant.

Franklin described the gun he used to kill the women as a foreign-made .44 Magnum with a seven-and-a-half inch barrel. In 1984 he drew a map of the area where he said he killed the women. Defense attorneys have called the map "detailed," while prosecutors have called it "vague."

The women's backpacks were found nearly 60 miles from where the murdered women were found in a rhododendron thicket off Rt. 60 near Hico.

The confession was a videotaped deposition taken in October, 1997, by Prosecuting Attorney Walt Weiford and Simms.

Prosecutors had wanted to bring Franklin to West Virginia to testify in their case against Beard; however, Missouri officials refused to grant Franklin travel time. Franklin also refused to speak with attorneys in the case in a second video deposition because it would be the fourth time he has spoken with West Virginia authorities. According to lead investigator Robert Alkire, Franklin said four was a bad number for him.

Another defense witness placed two women, one in a red sweatshirt, getting into a 1969-1971 black Chevrolet Nova.

John Blake, of Maxwelton, said as he was driving home from work he saw two women headed north on Rt. 219 just above Lewisburg. Blake said he stopped at the Little General Store in Maxwelton and the women entered the store, as well.

Blake said they left with a tall, thin male who had neither tattoos nor glasses, Franklin has both.

The Maxwelton man positively identified the red University of Iowa athletic department sweatshirt Santomero was wearing when her body was found on Briery Knob. While Blake said he was sure one woman was wearing blue jeans, one was wearing fatigue pants and the other lavender slacks.

Blake said he could have seen the women as early as 3:30 p.m. or as late as 6 p.m.

Three police officers who formerly worked on this murder case testified for the defense.

First Sergeant Mike Jordan, who operates out of Elkins with the Bureau of Criminal Investigation, said he interviewed state's eyewitness Johnnie Lewis in June, 1992, when Lewis said he didn't see the murders occur.

Jordan, who in 1993 testified that he went to Marlinton to "blow apart" Lewis' statement, said Wednesday that statement meant he wanted to "pick apart his statements, the three of them, and see which one was the truth."

The sergeant said when he left the interview he believed Lewis was being truthful when he said he didn't see the murders. Jordan said he interviewed Lewis only once and largely worked on another aspect of the investigation.

Jordan also brought in another BCI investigator, Dallas Wolfe, to interview Lewis.

Wolfe testified that Lewis said he was intimidated and had told the officers what they wanted to hear when he said he had witnessed the shooting.

Wolfe interviewed Winters Charles Walton in June, 1992, as well when Walton told him "he wasn't sure whether he heard shots or whether he dreamed it," Wolfe testified.

The investigator said he didn't challenge Walton's story until he said he couldn't remember whether he'd seen it or heard it.

Both officers testified that they had not spoken to Lewis or Walton since June, 1992, and had not been involved any further in the investigation.

Another officer who was on the scene of the murders also testified for the defense, as well. Gary Hott, who was a State Police corporal stationed in Marlinton at the time, said he recalled the bodies of two women on Briery Knob in June, 1980. Hott said he noted a wet smear of blood on one woman's hand. There was no wound on her hand, Hott noted. The former State Police Corporal said he noted no rigor mortis in either woman.

Hott noted that dew had fallen and it was "clammy" outside.

He said he couldn't attempt a guess at a time of death and said under cross examination that the smear of blood could have occurred if the bodies were moved.

Beard's former employer and a coworker testified on his behalf.

Both Alex Arbuckle, who is currently vice-president of Greenbrier Tractor Sales, and Karen Willis, who has been a bookkeeper there for over 20 years, said it was not unusual for GTS employees to write in a quitting time on their time cards since employees were frequently called out to work for a customer in the afternoons.

Arbuckle said Beard was a good employee whose work was more than satisfactory. Beard was a good mechanic, Arbuckle testified, who got his work done and was dependable.

Beard testified in 1993 that he was working in the field for a GTS customer whose name he couldn't remember on the afternoon of June 25, 1980, and later attended a meeting of the Pocahontas County Board of Education to oppose the consolidation of Hillsboro school with Marlinton.

Lewis' former attorney, Marilyn Thompson, testified to what Lewis said to her when third parties were present. Thompson could not testify to anything Lewis told her alone because of attorney-client privilege.

Thompson said she had no independent recollection of any of Lewis' statements and refreshed her memory by reading her 1993 testimony.

Thursday, May 25

Key defense witness testifies for Beard

A former co-defendant in the Rainbow Murder Case testified Thursday that he was with state's eyewitness Johnnie Lewis all day the murders occurred and saw neither Jacob Beard nor the murders.

Arnold Cutlip, of Marlinton, said Lewis lived with him and was with him every day cutting locust posts.

Lewis has testified that he was with Cutlip on Briery Knob when he saw Beard shoot two women.

On the day of the murders Cutlip said he and Lewis worked all morning cutting locust posts, then delivered the posts to a customer in Buckeye. After he was paid, Cutlip said, he and Lewis went to Marlinton where he made arrangements to purchase a pickup truck from Paulmer "Buddy" Adkison. Cutlip said he and Lewis intermittently drank liquor and beer all afternoon, stopping at two different bars to drink beer, as well as purchasing two 12-packs of beer to have on the road.

Cutlip said he and Lewis were at Droop Mountain Battlefield State Park for a brief period with Adkison, but did not see Beard's former co-defendants Gerald Brown, Richard Fowler and Bill McCoy or the prosecution's other eyewitness, Winters Charles Walton.

Other witnesses have placed all those people at the park entrance and one witness testified she saw two unfamiliar women in Fowler's van.

Cutlip said he did hear community rumors that Beard had committed the murders and was asked if he was afraid of Beard. The witness said he told people he was not.

Under cross examination, Cutlip admitted that he had himself said Beard may have committed the murders, but testified later that he also had speculated that Brown and a companion may have killed Santomero and Dorian.

Prosecutor Stephen Dolly asked Cutlip about a statement he had given police just one week after the murders occurred. Dolly said that statement reflected some details that were not in Cutlip's testimony, while it did not include other details Cutlip now recalls.

Cutlip said he did not read the document before he signed it.

The witness said he was offered immunity in the murders if he testified against Beard, but not if he told any other narrative of the day. He did not accept the agreement and testified he could again be charged with the crimes.

"I just couldn't do it," Cutlip testified. "I know what Johnnie said wasn't true."

"If Johnnie Lewis is telling the truth and if Pee Wee Walton is telling the truth and if the folks who say they saw the defendant and Pee Wee and Bill McCoy and you and Richie Fowler are telling the truth you could be in trouble, couldn't you?" Dolly asked.

"Looks like it," Cutlip said.

"You have a personal stake in making sure these folks (the jury) do not believe Johnnie Lewis and the rest of the State's witnesses?" Dolly inquired.

"I know nothing about the others, I know about Johnnie Lewis," Cutlip said.

Beard's wife, Linda Beard, testified on behalf of her husband.

Linda Beard described a hardworking husband who had a good job and a loving family who worked alongside him on the farm. "We were a team," she said.

She testified her husband came home around 5:30 p.m. on June 25, 1980, they ate supper and left to attend a meeting of the Pocahontas County Board of Education where consolidation of Hillsboro School with Marlinton was to be a topic.

She called her husband at 3:50 p.m. to remind him of the meeting and to ask him to bring home some items from the store, she testified.

Linda Beard said her husband was "definitely not" drinking that evening and exhibited no unruly behavior at the meeting where several people were angry and speaking loudly.

They arrived at the meeting on time, she said, but had to wait outside

for a time because the meeting was delayed to accommodate the large crowd that attended. They waited with Patty and Roger Pritt and "Skeeter" and Nora Lou Workman, Linda Beard testified.

She was working the 11 p.m.-7 a.m. shift at Denmar State Hospital, she testified, and left the meeting early. Her husband rode home with the Pritts, she said.

Linda Beard found out about the murders of two young women on Briery Knob when she arrived at work, she said, but no one had any details about the crimes, including the identities of the women.

She testified she loved her husband and very much wanted him to be with her.

Linda Beard's cousin, Patricia Westfall, formerly Pritt, also testified that Beard was neither drinking nor unruly at the board of education meeting. Westfall placed Jacob Beard outside the board of education meeting before 7:30 p.m.

Roger Pritt's 1993 testimony was read into the record. It mirrored that of Westfall's. Roger Pritt is now deceased.

Another witness has testified Beard was drinking at the meeting.

Gerald Brown's former wife, Drema, testified that she was at home most of the day on June 25, 1980, and no one visited their Droop Mountain home. Drema Brown said she would recall if Fowler had stopped by, particularly if he brought two young women.

Gerald Brown is now deceased.

Drema Brown said she clearly recalled the events of the day because her mother and sister were arriving from Ohio that evening. She said she ran out of cleaning fluid and went to the Droop Cash Store to purchase some. The store was out of cleaning fluid, so she went to her aunt's home to tell her she was going to Hillsboro to make the purchase.

She said she wanted someone to know where she was in case her family arrived, she said.

The witness also testified that Fowler, Beard and McCoy did not come to her home that evening to wash out Fowler's van. Brown said access to water was around the back of the trailer, but said plywood was nailed over the hot water heater in the trailer's front.

Brown testified that her husband came home drunk and wanted her to transport him to move a log truck. They left home about dusk, she said.

Drema Brown's sister, Teri Kershner, testified that she, too, remembered no one else visiting the Brown home that evening. Kershner said she and her mother visited other family in the area for a time that evening. Kershner remembered Brown made pork loin and green beans for dinner that evening, she said, as was the tradition in the family.

State's witnesses have placed Fowler's van at Brown's trailer on two different occasions that day, once in the early afternoon and once later in the evening when one witness said he saw Beard, McCoy and Fowler washing out the back of the van with a water hose.

Friday, May 26

Beard denies committing murders, can't say where he was

The man on trial for murdering two young women hitchhiking to a Rainbow Family Gathering in 1980 took the stand in his own defense Friday, denying involvement in the crimes, but unable to say where he was conclusively for a period of several hours.

"Did you kill these young ladies?" lead defense attorney Stephen Farmer asked.

"No, sir, I did not," Beard answered.

Jacob Wilson Beard, a Pocahontas County native, testified that he was only casually familiar with former co-defendants Richard Fowler, Bill McCoy and Arnold Cutlip, while he said he did know former co-defendant Gerald Brown from a business relationship.

The defendant testified the ordeal had been difficult. "It's been very hard," he said. "It's destroyed my family."

Beard said he was working all day on June 25, 1980, for Greenbrier Tractor Sales. His time card for that day shows a handwritten check-out time of 5:15 p.m. Beard was not in the shop at GTS the remainder of the week, but out on service calls for customers noted on the card. Times for June 26 and 27 are hand-written, as well, by someone other than Beard.

He was home by 5:45 p.m., he said. Later, Beard said, he attended a Pocahontas County Board of Education meeting where the consolidation of Hillsboro School with Marlinton.

Farmer asked Beard to name all the farms between GTS and his home near Hillsboro. Beard named over a half-dozen farms that patrolled GTS while he worked there. But he could not conclusively pinpoint at which one he stopped. Beard said he may have been delivering a part rather than making a service call, but he could not recall exactly where he was.

"I wish I could," Beard testified. "I have tried to remember."

Beard said he knew he left GTS for work purposes, otherwise he would have punched out.

The defendant said he had gone to farms to find records, but none was available. "They don't keep them that long, apparently," he said.

GTS always kept a record of work activities, but none was available when he tried to obtain them in 1993, he said, because those records are destroyed after 10 years. "In 1980 there would have been either a repair order, a parts ticket or a warranty claim to verify where Jake Beard was," he testified.

Beard said he remembered that his wife had called him to remind him of the board of education meeting and to ask he bring home some items from the store. He produced a receipt from J & K Market in the amount of \$10.95 for June 25, 1980; however, under cross examination, Beard admitted that neither a time nor a name is associated with the purchase on the receipt.

As he traveled home that evening, the defendant testified he saw Christine Cook, now Borchert, with Paulmer "Buddy" Adkison and his former co-defendant Bill McCoy with two unfamiliar women at a place called "Lover's Lane." Beard placed the group there at 5:30 p.m.

Borchert testified she did not know Beard then and could not place him on Droop Mountain that day, although she did place McCoy and another co-defendant, Richard Fowler, at the entrance to Droop Mountain Battlefield State Park, along with two women she didn't know.

Beard testified he arrived at the board of education meeting between 7:15 and 7:20 p.m., 10 minutes before it was scheduled to begin. The meeting was held in the elementary school cafeteria, he testified, but the location did not change, as another witness has testified.

He testified he was not drinking that day and only drank a small amount on weekends at home, never in bars or out with other people; however, Beard said the 1983 death of his father caused him to drink more heavily. "I loved my dad very deeply," he testified. "I was upset."

By that time, Beard was already a suspect in the slayings of Santomero and Dorian because of a telephone call he made to Dorian's father in Iowa in early July, 1982. Beard said he made the calls because he'd read an article in a newspaper about the unsolved murders. Efforts to find an anniversary article about the murders in the three publications he read, including this newspaper, were unsuccessful, he said.

"I thought it was awful two girls had died in our home county and they hadn't found the killer," he testified. "I told Linda if this was our daughter I'd be on the police every day to find out what had happened. I thought maybe the parents could prod the police into doing something or bring in another law enforcement agency."

He said he told Howard Dorian he didn't believe the police in the area were capable of solving the crime, but added he thought the Pocahontas County Sheriff's Department was in charge of the investigation. "I may have told him the people in the area were sorry that it happened in our area."

He didn't give his name to Howard Dorian, he said, because he thought "it would be better not to become involved in it. I didn't know anything about the murders," he testified.

Beard said he got the Dorian's telephone number through an operator. He testified he did not also call the New York family because he could not say Santomero.

A month later, Beard testified, he was contacted by police and voluntarily went to State Police headquarters in Marlinton where for the first time he met Sergeant Robert Alkire.

Beard said he cooperated with police in the interview and admitted making the telephone calls.

Stephen Dolly of the Prosecuting Attorney's Institute asked Beard to use his own time line to determine at which farm he might have stopped.

Dolly said farms in Frankford could be eliminated because Beard could not have seen Cook, Adkison and McCoy at Lover's Lane 15 minutes later because of driving time. Dolly also said the clock-out time of 5:15 p.m. meant Beard could not have stopped at farms north of Droop Mountain if he had seen the trio at 5:30 p.m. Thus, Dolly concluded, Beard's whereabouts were narrowed to two farms near Kenick. Beard appeared to agree with all Dolly's assumptions, but could not say with certainty he was at either farm.

But Dolly's presumption that Beard had gotten Dorian's telephone number because he might have been still in possession of some of the victim's belongings met with an emphatically negative answer from Beard.

The prosecution put on seven witnesses in rebuttal in an attempt to defuse the defense's case for Beard.

Three witnesses testified to discredit Joseph Paul Franklin's confession to the murders. Franklin's October, 1997, deposition played a part in Senior Status Judge Charles Lobban's decision to grant Beard a new trial. That two-hour deposition was played for the jury in this trial since Franklin refused to grant attorneys a second chance to depose him.

Robert Cassidy, of Nashville, Tennessee, said he sold a Browning 30.06 to Franklin either on June 24 or June 25, 1980. Cassidy said he recalled the date because Tuesday and Wednesday were his only days off from CSX Railroad and had been each week for 20 years.

The Nashville man said he had advertised four guns separately in the

Trader's Post, a free publication, between June 16 and June 23, 1980, and knew he sold the Browning 30.06 after the advertisement ran out.

Cassidy said he got a phone call from a man in a nearby town and gave him directions. He recalled the man as being six feet tall and about 180 pounds with reddish hair and glasses with one thick lens. Cassidy said the man never smiled. "I couldn't break that personality," he said.

The man picked up the gun in Cassidy's kitchen and aimed it, Cassidy said, and then said he'd take the weapon, giving Cassidy \$400 in cash.

"He had a roll that would choke a mule," Cassidy testified.

Franklin is legally blind in his right eye and has a habit of either wearing wigs or coloring his hair. He has admitted robbing a bank in Burlington, North Carolina, on June 24, 1980.

Six months later Cassidy was visited by FBI agents who asked him to identify a picture of the man who bought his gun. But Cassidy told those agents in 1980 that he sold the gun on July 5. He had not changed his story until 1998 when he testified in a hearing in Lewisburg. Cassidy said he could not have sold the gun on July 5, a Saturday, because he was working that day. "It is my 100% belief that I sold the gun on the 24th or 25th," Cassidy said.

Sergeant Steve Dawson testified he had checked out Franklin's map, which he drew in 1984. "I don't think it's an accurate depiction myself," Dawson said. "It all took place on the other side of the road. That's not how it was."

The sergeant also said he checked mileage from the scene where the bodies of Santomero and Dorian were found to the interstate and found it was 30.5 miles. Dawson said on a normal day travel would take 45 minutes. Franklin said he traveled less than 15 minutes with the women before he shot them.

And David Sterling, who resides in a federal penitentiary in Florence, Colorado, said Franklin told him he hadn't committed the murders of Santomero and Dorian.

Sterling said he wrote a letter to the FBI after he saw Franklin's appearance on the CBS news program 60 Minutes II. Franklin's confession on that program did not match the story Franklin told him in prison. Sterling said.

Sterling said Franklin began to talk about the West Virginia murders in terms that closely mirrored another murder he'd committed in either Ohio or Wisconsin. He began to discuss the West Virginia case after a reporter visited him in Marion, Illinois. Sterling said Franklin told him he got information on the case from newspapers, but never showed him the articles.

Sterling said Franklin was talking about religion and "saving his soul or what was left of it" when he denied killing Santomero and Dorian. "He said 'I swear to God I didn't do that. I wasn't anywhere near there when that happened,'" Sterling testified.

The prisoner testified he neither sought nor expected any favors in exchange for his testimony.

Lead investigator Robert Alkire was back on the stand to refute some of Beard's evidence in testimony.

Alkire said he asked for all work records from Greenbrier Tractor Sales pertaining to Beard's activities on June 25, 1980. "The only thing we could find was a time card," Alkire testified.

Grace Hanna testified that she saw Beard's former co-defendant Arnold Cutlip between 2 and 2:30 p.m. on June 25, 1980, on the side of Droop Mountain with Johnnie Lewis, Paulmer Adkison and Christine Cook. Cutlip, whose affidavit also prompted Lobban to grant Beard a new trial, testified that he saw Hanna between 5 and 5:30 p.m. that day.

Mike Hively testified that access to hot water was available in the front of Gerald Brown's trailer. Hively said he believed that a door to the hot water heater was still in place in the summer of 1980. During deer season of that year, Hively said he believed Brown replaced the door with a piece of plywood, which was not nailed in place, but set in place of the door. Brown is now deceased. Hively is Brown's half-brother and was his next door neighbor.

Brown's former wife, Drema, testified that the plywood was nailed there and that access to water was in back of her home.

A prosecution witness placed Beard, Fowler and McCoy at Brown's trailer washing out Fowler's van with a hose.

A friend of key prosecution witness Johnnie Lewis testified that Lewis told him he was on Briery Knob the day of the murders. Droop Mountain resident Jerry Morrison said Lewis told him a year later that "he was back there" the day Santomero and Dorian were killed.

Tuesday, May 30

Rainbow prosecutor taken ill, judge denies defense motion for mistrial

Prosecutor Stephen Dolly will take over closing arguments in the Rainbow Murder Case after Pocahontas County Prosecuting Attorney Walt Weiford was hospitalized Tuesday, reportedly with a lung infection.

Weiford was transported to Charleston Area Medical Center, Memorial Division.

Dolly, who has aided Weiford throughout the trial, will have an hour to argue for the state in its case against Jacob Beard.

A member of Beard's defense team, George Caselle, made a motion for a mistrial with prejudice, meaning Beard could never again be prosecuted for the murders.

Castelle said he compared the testimonies of 10 prosecution witnesses and found "deeply troubling results."

Those witnesses have changed their testimonies, Castelle said, and alleged a "concerted effort by someone on the prosecution team" to elicit "massive coordinated perjury."

Castelle further alleged that the prosecution had concocted the story against Beard in an attempt to convict a man they knew to be innocent.

Dolly took exception to Castelle's argument, pointing out that the defense attorney had no evidence of "a conspiracy on the part of the state." The prosecutor said that inference bordered on the insulting.

Lobban denied the motion, saying credibility of witnesses was for the jury to determine. "This is not a matter the court takes away from the jury," Lobban said.

The judge will instruct the jury Wednesday morning. Closing arguments are expected to conclude in the afternoon.

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Second row, l-r, Amanda Pritt, Amy Henry, Melissa Hill, Lori Wayne, Tausha Cassell, Kate Blackman, Ginger Henry, Lisa Sheets;

Third row, l-r, Coach Delmos Barb, Micah Johnson, Jared Morton, Vincent Malcomb, Justin Buzzard, Clayton Seldomridge, Jonathan Moore, Eric Underwood, Brian Baldwin, Coach Kay Willey;

Fourth row, Josh Waugh, David Palmer, Ben Morton, Kellyn Cassell, Joey Schoolcraft, Charlie Judy, Michael May.





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Jury finds Beard not guilty of Rainbow Murders

Two-and-one-half hours last Wednesday of the locally infamous Rainbow

MURDERS.

Beard was on trial for the second time in connection with the 1980 slayings of Nancy Santomero, 19, of Huntington, Long Island, New York, and Vicki Durian, 26, of Wellman, Iowa.

The jury heard eight days of testimony in the case that began on a summer evening in 1980 when the bodies of Santomero and Durian were found shot to death at close range on Briery Knob, remote section in southern Pocahontas County.

"Truth wins in the end," the 54-year-old Beard commented after the verdict. Beard said he would spend a few days relaxing and then celebrate with his daughters.

"I don't know that this will prove it to everyone," Beard said. "People who know me know I didn't do this. My conscience is clear."

Beard cannot again be charged with the crimes he was indicted for in 1993 and convicted of that same year by a Greenbrier County jury. That jury recommended no mercy meaning Beard would never be eligible for parole; however, five and one-half years into his sentence, Senior Status Judge Charles Lobban set aside the jury's verdict and granted Beard a new trial based on the deposition of a convicted serial killer and the affidavit of Beard's former co-defendants.

Serial killer Joseph Paul Franklin said he killed the women because one of them said she dated blacks and the other said she would have no problem doing so. Prosecutors disputed Franklin's confession, saying that his details of the crimes did not match the physical evidence in the case. Franklin also drew a map of the area which prosecutors called "vague" and defense attorneys called "detailed."

Arnold Cutlip, who was indicted along with Beard in 1993, testified he was with prosecution witness Johnnie Lewis on the day the women were murdered and they saw neither Beard nor the women.

Beard's defense team was tearful, and at the same time jubilant upon hearing the verdict, public defender George Castelle openly shedding tears while others hugged Beard and his wife, Linda.

Lead defense attorney Stephen Farmer, who represented Beard in his first trial, was happy with the verdict. "It's a great day," Farmer said. "The system took a long time to work. It's been eight years and now he gets to go home and live with his wife."

Beard was arrested for the murders in 1992.

Beard said he was "forever indebted" to Farmer, Miles Morgan and public defender George Castelle for the defense he was provided during his 11-day trial in Sutton and throughout the last eight years. Castelle has been a volunteer on the case for the past several months, Beard said.

Farmer said he had no doubts about the outcome of the case, particularly since Beard himself believed so strongly in his innocence. "Mr. Beard was so patient and so believing in the system," Farmer commented. "His belief and confidence in the system never wavered so mine couldn't either."

"They poured their hearts into it," Beard said of his defense team.

The prosecution team left the court room quickly after the jury was released. Later, lead investigator Robert Alkire, who has worked on the case since the evening of the murders, said he was disappointed, but accepting of the jury's verdict.

"The system we have is the best system in the world," Alkire said. "You've got to accept what the jury says. There's still one more judge Mr. Beard has to go through."

Although the outcome is not what Alkire said he expected, he was relieved that the case was finally over.

Two members of the jury said Thursday a lack of evidence from the prosecution sealed their decision. "We looked at all the points of contention," one jury member elaborated. "We went on the basis of the evidence. We felt the defense was correct and certain things were not convincing enough from the prosecution to merit a guilty verdict."

Beard said he was "optimistic about this jury from the beginning" and wanted to thank them for sifting through the evidence.

A few prosecution witnesses testified they withheld information from investigators because they had been threatened or felt threatened by Beard.

"There's not one witness the prosecution put up who has anything to fear from me," Beard said.

The former Hillsboro man said he will stay in the Lewisburg area with his wife for the next few weeks and return to farming, a former occupation. Beard said he will begin working for Charlie Long and Bill Irons. Long and Irons were two of three men who posted Beard's \$100,000 bond in 1992.

Beard said he will return to Florida for a time, but has not ruled out the Lewisburg area as a permanent home because his wife has employment near there; however, Beard's two daughters reside in Florida and he said he didn't know if he wanted to live so far from them. He will return to Florida later this month to tie up loose ends there, he said.

"We have a lot of talking to do in the next few weeks," he commented. "I'm glad it's over."

Over for Beard, but not for two families still grieving after 20 years and still looking for answers about the brutal murders of their daughters and sisters.

Kathy Santomero-Meehan said Thursday she was still numb after hearing the jury's decision. "I wish the evidence was strong enough the jury didn't have any doubt," Santomero-Meehan said. "I hope the future brings us more enlightenment. Somebody killed her and it seemed like Beard was the one."

Santomero-Meehan said she hoped someone would still come forward with answers about the murder of her sister, Nancy.

She said her father was disappointed at the verdict.

Vicki Durian's sister, Mary Kauffman, said she was in shock when she heard the jury's verdict shortly after it was rendered.

Kauffman said from the evidence she had seen and heard over the years she felt the prosecution had the right man. "I feel a guilty man is now walking free," she said.

However, she said she appreciated the people who had worked so hard and so diligently on this case for the last 20 years and "to the people who had the courage to testify on Vicki's and Nancy's behalf."

"Your efforts will not be forgotten," Kauffman said.

"My hope is that we, the family, will now be able to remember Vicki for the loving, caring person she was and all the fun we shared with her in her 26 years of life. Now maybe we will not have to be constantly reminded of the fear and terror Vicki and Nancy must have felt in their last hours on earth," she said.

Kauffman said she had faith that God knows "exactly who was involved in this crime and the part they played."

"God's judgment and punishment for this act will be more severe than any punishment the courts could have," she said.

Santomero-Meehan and her mother traveled to Sutton for the first part of this trial. Kauffman attended a portion of Beard's 1993 trial, but was not able to come to West Virginia this year.

Both Santomero-Meehan and Kauffman said their families had discussed



JACOB BEARD, FLANKED by defense attorneys Stephen Farmer, left, and George Castelle, right, prepares for what will be his final day in court.

filing a civil suit, but had not decided to do so yet.

During closing arguments, Farmer pointed to Alkire as one of the 87 reasons Beard was innocent of the crimes.

Farmer alleged that Alkire had orchestrated the case against Beard and coerced several witnesses into changing their stories to incriminate his client.

The defense attorney listed several prosecution witnesses who had changed their stories after spending time with Alkire, including Santomero and Durian's traveling companion Elizabeth Johndrow, who first said she left the women at 1 p.m. on June 25, 1980, the day of the murders, and then changed her testimony in 1993, saying she believed she parted from them at Richmond, Virginia, on June 24.

"If Jacob Beard goes to jail in this case then none of us are free. Our families aren't free, our children aren't free. We'll all have to be scared that 20 years from now somebody is going to make up a story about us," the attorney argued. The prosecution's case is like a puff of smoke, Farmer said, "every time you get hold of it, it slips through your fingers."

Farmer said Beard's inability to recall exactly where he was on the afternoon of June 25, 1980, was not a reason to find him guilty. "He's been brutally honest about the fact he can't remember where he stopped," the attorney said. "If he wanted to he could have made up a story. The reason you should believe him is because he wouldn't do that."

Beard, Farmer told the jury, was just a man who worked hard as a mechanic and was taking care of a family, while the state would "have you believe Mr. Beard for no reason at all, and totally out of character, shot these women."

Farmer asked the jury to recall the confession of Joseph Paul Franklin, who "had the resume to do what he did. He traveled around the country doing it over and over," Farmer said.

The defense attorney noted that Franklin had confessed to the murders in 1984 and drew a map that detailed the area where the murders were committed.

Farmer touched on the defense's other theory of the case, that Santomero and Durian were killed by Beard's former co-defendant, Gerald Brown, and his companion Bobby Lee Morrison, more during closing arguments than he had throughout the defense case. Several people who testified for the prosecution did so to protect Brown and Morrison, the defense attorney alleged, including Mike and Odessa Hively, Brown's half-brother and sister-in-law, and Dale Morrison, Grace Hanna, and Betty Bennett Pitt, Bobby Lee Morrison's brother, mother and close friend.

None of those people came forward when Brown and Morrison were jailed for the murders in 1983, the defense attorney said, and did not speak with investigators until 1992 when Beard was charged.

Prosecutor Stephen Dolly, who took over closing arguments after Pocahontas County Prosecuting Attorney Walt Weiford was hospitalized Tuesday, told the jury the premise of a conspiracy against Beard wasn't believable, noting that Alkire was "not out to get an innocent man. For all that fingerpointing at Bob Alkire, where's the evidence to back it up?" Dolly asked the jury.

"We wouldn't be here today if it weren't for that phone call he made to Vicki Durian's father," Dolly advised the jury. "And that's where he went too far. (Alkire) was put on to the defendant because of the defendant's own actions."

Franklin's confession was not credible and didn't work, Dolly said. Franklin, the prosecutor said, had some information and knew what people wanted to hear. "He's just like the guys who tell fortunes and read palms," Dolly argued. "He'll give you what you want to hear, but nothing you can verify."

Franklin's confession kept people coming to see him, Dolly said, and bought him more time on Missouri's death row. And if Franklin had been allowed to travel to West Virginia to testify in this case, as the prosecution planned, he'd have some "windshield therapy."

"He's not worth much belief," the prosecutor said.

As for the Brown/Morrison theory, Dolly reminded the jury they had heard no evidence about them. Dolly said Brown's former wife, Drema, was more likely the witness testifying to protect him. Drema Brown first told her story in 1983, Dolly said, and "now she's stuck."

The possibilities narrowed to Beard, Dolly said, reminding the jury that the prosecution witnesses had no stake in the outcome, while two notable defense witnesses, Beard and his wife, Linda, had much riding on the jury's verdict.

"It all comes down to the 'team,'" Dolly said, using Linda Beard's description of her marital relationship. "Tell me they don't have a stake in this."

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Orchids....

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Jury finds Beard not guilty of Rainbow Murders

Two-and-one-half hours last Wednesday of the locally infamous Rainbow

MURDERS.

Beard was on trial for the second time in connection with the 1980 slayings of Nancy Santomero, 19, of Huntington, Long Island, New York, and Vicki Durian, 26, of Wellman, Iowa.

The jury heard eight days of testimony in the case that began on a summer evening in 1980 when the bodies of Santomero and Durian were found shot to death at close range on Briery Knob, remote section in southern Pocahontas County.

"Truth wins in the end," the 54-year-old Beard commented after the verdict. Beard said he would spend a few days relaxing and then celebrate with his daughters.

"I don't know that this will prove it to everyone," Beard said. "People who know me know I didn't do this. My conscience is clear."

Beard cannot again be charged with the crimes he was indicted for in 1993 and convicted of that same year by a Greenbrier County jury. That jury recommended no mercy meaning Beard would never be eligible for parole; however, five and one-half years into his sentence, Senior Status Judge Charles Lobban set aside the jury's verdict and granted Beard a new trial based on the deposition of a convicted serial killer and the affidavit of Beard's former co-defendants.

Serial killer Joseph Paul Franklin said he killed the women because one of them said she dated blacks and the other said she would have no problem doing so. Prosecutors disputed Franklin's confession, saying that his details of the crimes did not match the physical evidence in the case. Franklin also drew a map of the area which prosecutors called "vague" and defense attorneys called "detailed."

Arnold Cutlip, who was indicted along with Beard in 1993, testified he was with prosecution witness Johnnie Lewis on the day the women were murdered and they saw neither Beard nor the women.

Beard's defense team was tearful, and at the same time jubilant upon hearing the verdict, public defender George Castelle openly shedding tears while others hugged Beard and his wife, Linda.

Lead defense attorney Stephen Farmer, who represented Beard in his first trial, was happy with the verdict. "It's a great day," Farmer said. "The system took a long time to work. It's been eight years and now he gets to go home and live with his wife."

Beard was arrested for the murders in 1992.

Beard said he was "forever indebted" to Farmer, Miles Morgan and public defender George Castelle for the defense he was provided during his 11-day trial in Sutton and throughout the last eight years. Castelle has been a volunteer on the case for the past several months, Beard said.

Farmer said he had no doubts about the outcome of the case, particularly since Beard himself believed so strongly in his innocence. "Mr. Beard was so patient and so believing in the system," Farmer commented. "His belief and confidence in the system never wavered so mine couldn't either."

"They poured their hearts into it," Beard said of his defense team.

The prosecution team left the court room quickly after the jury was released. Later, lead investigator Robert Alkire, who has worked on the case since the evening of the murders, said he was disappointed, but accepting of the jury's verdict.

"The system we have is the best system in the world," Alkire said. "You've got to accept what the jury says. There's still one more judge Mr. Beard has to go through."

Although the outcome is not what Alkire said he expected, he was relieved that the case was finally over.

Two members of the jury said Thursday a lack of evidence from the prosecution sealed their decision. "We looked at all the points of contention," one jury member elaborated. "We went on the basis of the evidence. We felt the defense was correct and certain things were not convincing enough from the prosecution to merit a guilty verdict."

Beard said he was "optimistic about this jury from the beginning" and wanted to thank them for sifting through the evidence.

A few prosecution witnesses testified they withheld information from investigators because they had been threatened or felt threatened by Beard.

"There's not one witness the prosecution put up who has anything to fear from me," Beard said.

The former Hillsboro man said he will stay in the Lewisburg area with his wife for the next few weeks and return to farming, a former occupation. Beard said he will begin working for Charlie Long and Bill Irons. Long and Irons were two of three men who posted Beard's \$100,000 bond in 1992.

Beard said he will return to Florida for a time, but has not ruled out the Lewisburg area as a permanent home because his wife has employment near there; however, Beard's two daughters reside in Florida and he said he didn't know if he wanted to live so far from them. He will return to Florida later this month to tie up loose ends there, he said.

"We have a lot of talking to do in the next few weeks," he commented. "I'm glad it's over."

Over for Beard, but not for two families still grieving after 20 years and still looking for answers about the brutal murders of their daughters and sisters.

Kathy Santomero-Meehan said Thursday she was still numb after hearing the jury's decision. "I wish the evidence was strong enough the jury didn't have any doubt," Santomero-Meehan said. "I hope the future brings us more enlightenment. Somebody killed her and it seemed like Beard was the one."

Santomero-Meehan said she hoped someone would still come forward with answers about the murder of her sister, Nancy.

She said her father was disappointed at the verdict.

Vicki Durian's sister, Mary Kauffman, said she was in shock when she heard the jury's verdict shortly after it was rendered.

Kauffman said from the evidence she had seen and heard over the years she felt the prosecution had the right man. "I feel a guilty man is now walking free," she said.

However, she said she appreciated the people who had worked so hard and so diligently on this case for the last 20 years and "to the people who had the courage to testify on Vicki's and Nancy's behalf."

"Your efforts will not be forgotten," Kauffman said.

"My hope is that we, the family, will now be able to remember Vicki for the loving, caring person she was and all the fun we shared with her in her 26 years of life. Now maybe we will not have to be constantly reminded of the fear and terror Vicki and Nancy must have felt in their last hours on earth," she said.

Kauffman said she had faith that God knows "exactly who was involved in this crime and the part they played."

"God's judgment and punishment for this act will be more severe than any punishment the courts could have," she said.

Santomero-Meehan and her mother traveled to Sutton for the first part of this trial. Kauffman attended a portion of Beard's 1993 trial, but was not able to come to West Virginia this year.

Both Santomero-Meehan and Kauffman said their families had discussed



JACOB BEARD, FLANKED by defense attorneys Stephen Farmer, left, and George Castelle, right, prepares for what will be his final day in court.

filing a civil suit, but had not decided to do so yet.

During closing arguments, Farmer pointed to Alkire as one of the 87 reasons Beard was innocent of the crimes.

Farmer alleged that Alkire had orchestrated the case against Beard and coerced several witnesses into changing their stories to incriminate his client.

The defense attorney listed several prosecution witnesses who had changed their stories after spending time with Alkire, including Santomero and Durian's traveling companion Elizabeth Johndrow, who first said she left the women at 1 p.m. on June 25, 1980, the day of the murders, and then changed her testimony in 1993, saying she believed she parted from them at Richmond, Virginia, on June 24.

"If Jacob Beard goes to jail in this case then none of us are free. Our families aren't free, our children aren't free. We'll all have to be scared that 20 years from now somebody is going to make up a story about us," the attorney argued. The prosecution's case is like a puff of smoke, Farmer said, "every time you get hold of it, it slips through your fingers."

Farmer said Beard's inability to recall exactly where he was on the afternoon of June 25, 1980, was not a reason to find him guilty. "He's been brutally honest about the fact he can't remember where he stopped," the attorney said. "If he wanted to he could have made up a story. The reason you should believe him is because he wouldn't do that."

Beard, Farmer told the jury, was just a man who worked hard as a mechanic and was taking care of a family, while the state would "have you believe Mr. Beard for no reason at all, and totally out of character, shot these women."

Farmer asked the jury to recall the confession of Joseph Paul Franklin, who "had the resume to do what he did. He traveled around the country doing it over and over," Farmer said.

The defense attorney noted that Franklin had confessed to the murders in 1984 and drew a map that detailed the area where the murders were committed.

Farmer touched on the defense's other theory of the case, that Santomero and Durian were killed by Beard's former co-defendant, Gerald Brown, and his companion Bobby Lee Morrison, more during closing arguments than he had throughout the defense case. Several people who testified for the prosecution did so to protect Brown and Morrison, the defense attorney alleged, including Mike and Odessa Hively, Brown's half-brother and sister-in-law, and Dale Morrison, Grace Hanna, and Betty Bennett Pitt, Bobby Lee Morrison's brother, mother and close friend.

None of those people came forward when Brown and Morrison were jailed for the murders in 1983, the defense attorney said, and did not speak with investigators until 1992 when Beard was charged.

Prosecutor Stephen Dolly, who took over closing arguments after Pocahontas County Prosecuting Attorney Walt Weiford was hospitalized Tuesday, told the jury the premise of a conspiracy against Beard wasn't believable, noting that Alkire was "not out to get an innocent man. For all that fingerpointing at Bob Alkire, where's the evidence to back it up?" Dolly asked the jury.

"We wouldn't be here today if it weren't for that phone call he made to Vicki Durian's father," Dolly advised the jury. "And that's where he went too far. (Alkire) was put on to the defendant because of the defendant's own actions."

Franklin's confession was not credible and didn't work, Dolly said. Franklin, the prosecutor said, had some information and knew what people wanted to hear. "He's just like the guys who tell fortunes and read palms," Dolly argued. "He'll give you what you want to hear, but nothing you can verify."

Franklin's confession kept people coming to see him, Dolly said, and bought him more time on Missouri's death row. And if Franklin had been allowed to travel to West Virginia to testify in this case, as the prosecution planned, he'd have some "windshield therapy."

"He's not worth much belief," the prosecutor said.

As for the Brown/Morrison theory, Dolly reminded the jury they had heard no evidence about them. Dolly said Brown's former wife, Drema, was more likely the witness testifying to protect him. Drema Brown first told her story in 1983, Dolly said, and "now she's stuck."

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Council splits on B & O Tax vote

Dunbrack broke a tie vote of the Marlinton Town Council Monday night after the first reading of the Business and Occupation Tax Ordinance.

Recorder Dotty Kellison and council members Robin Mutscheller and Jim Gibb voted in favor of the ordinance, while council members Jim Kellison, Keith Moore and Loretta Malcomb cast the negative votes.

Jim Kellison and Malcomb own businesses in Marlinton.

Dunbrack, who normally does not vote, broke the tie in favor of the reading of the ordinance.

The B&O Tax will garner 15¢ on the \$100 from retailers and manufacturers, with a cap for retailers of \$6,000 per year or \$1500 per quarter, two percent of gross income from contracting, and two percent for public service or utility businesses.

Approximately 15-20 Marlinton business owners attended the meeting, offering the council alternative routes to raising money for the town coffers.

Several of those business owners told the council a B&O tax could sound the death knell for Marlinton's remaining business district.

"If you keep taxing us there won't be anybody left to tax," said Hudson's Variety owner Mike Hudson.

Over Place Restaurant owner Melanie Shafer noted that while the tax would raise money to fund maintenance for the proposed levees and flood walls, five businesses, including hers, would no longer be open. "These other people will have to make up the difference," Shafer noted.

Hudson also brought up some lost revenue for the town in the form of water. The town loses 61% of its water annually. Hudson said that at the current rate the loss is "a quarter of a million dollars."

Hudson also pointed out that the town is losing money on trash collection and buying a garbage truck, but has turned down an offer to contract the service with County Disposal Service.

Dunbrack said the town had never lost \$15,000 on trash and the water loss was "being reviewed and researched."

"The town has always had a sizable water loss," Dunbrack said. "If we could find the problem, we'd solve it tomorrow."

"The town hasn't aggressively looked at these things," Hudson said.

"If the town could find some other way, we'd readily do it," Dunbrack said.

Reid Mitchell offered another avenue for the town to raise money,

to raise the municipal tax on utilities—water, sewer, garbage and electricity—by two percent for every municipal resident and business to raise a total of \$24,000.

That amount, plus the amount of the water loss would make up the amount the town needed.

Appalachian Sport owner Chuck Workman said raising residential water rates \$3 while raising businesses \$10 per month would raise another \$25,000.

"With an increase in utilities, everyone pays," Mitchell said.

He also suggested putting a two percent increase on contractors, particularly on new construction.

Workman also wanted to know how the money would be spent.

Dunbrack said it would be used for employee raises and health benefits. Town council had discussed paying for employees health insurance and providing insurance for employees and their families, as well.

That statement brought Mitchell to his feet to address the council. "No business pays for family benefits," Mitchell said. "Very few pay the total for employees."

It costs too much, Mitchell explained, plus single employees are penalized with lower benefits than their married counterparts.

Part of the B&O tax revenue is

also slated for funding operation and maintenance costs for the proposed flood walls and levees.

Mitchell wanted to know why the council was worried about maintenance costs before it had the required matching funds in the amount of \$10-\$12 million.

"Do you think the federal government is going to appropriate \$54 million and not know if we have the matching funds," Dotty Kellison asked. "We'll get the money, let's just put it like that."

Moore responded to the business owners, saying he could hardly support a tax that would hurt town businesses.

"I know the business people are the heart and soul of the town," Moore said. "We may have jumped in before we knew how deep the water was. I can't see how I can vote in favor of the B&O tax."

Mutscheller asked why more business owners weren't present.

"Most folks say it's a non-responsive city council," said Pocahtontas Pharmacy owner Jim Burks. "They think you're going to do it anyway."

Council will hear the second reading of the ordinance on June 16 at 7:30 p.m.

Final reading is scheduled for June 26.

fight proposed Browns Mountain quarry

Glenview-based Waco Oil and Gas Company is planning a new quarry at the intersection of Browns Mountain Road and Rt. 39.

According to a quarry permit application submitted to the Department of Environmental Protection on May 25, the 72.9 acre quarry site contains white medina sandstone, a rare and valuable material used to make anti-skid road surfacing.

A map included in the permit application indicates that Waco will remove the east side of the southern end of Browns Mountain to reach the sandstone deposits.

Waco is leasing a total of 248 acres across from the Devils Backbone formation from Buckhannon-based HEFCORP-JON, according to a lease agreement filed at the courthouse May 23. Under the terms of the agreement, Waco is leasing the property for \$250 a year and a royalty fee of 25¢ per ton of material removed from the site.

Some Browns Mountain Road residents plan to fight the proposed quarry. Sunday, they organized the Browns Mountain Area Protection Association. Bill Howsare, who lives adjacent to the quarry site, is president of the group.

"The idea is to save the homesteads of several of us who live along Browns Mountain Road and here in Possum Hollow," Howsare said.

Norman Wolcott, a Browns

Mountain Road resident, said the group is opposing the quarry because of the impact it will have on the environment and geology of the area.

"WVU geology professor Thomas Kammer brings students here every year as part of class," Wolcott said to the Pocahontas County Commission Wednesday. "He says the area around Browns Mountain has been called one of the top one hundred geologic locations in the Southeastern United States."

"This is an educational resource," he added.

Gary McLaughlin, also a Browns Mountain Road resident, is worried about the impact a quarry will have on the water table in the area.

"There's going to be more silt and iron going into Knapps Creek if this quarry goes in," McLaughlin said. "That's going to impact Marlinton's water supply."

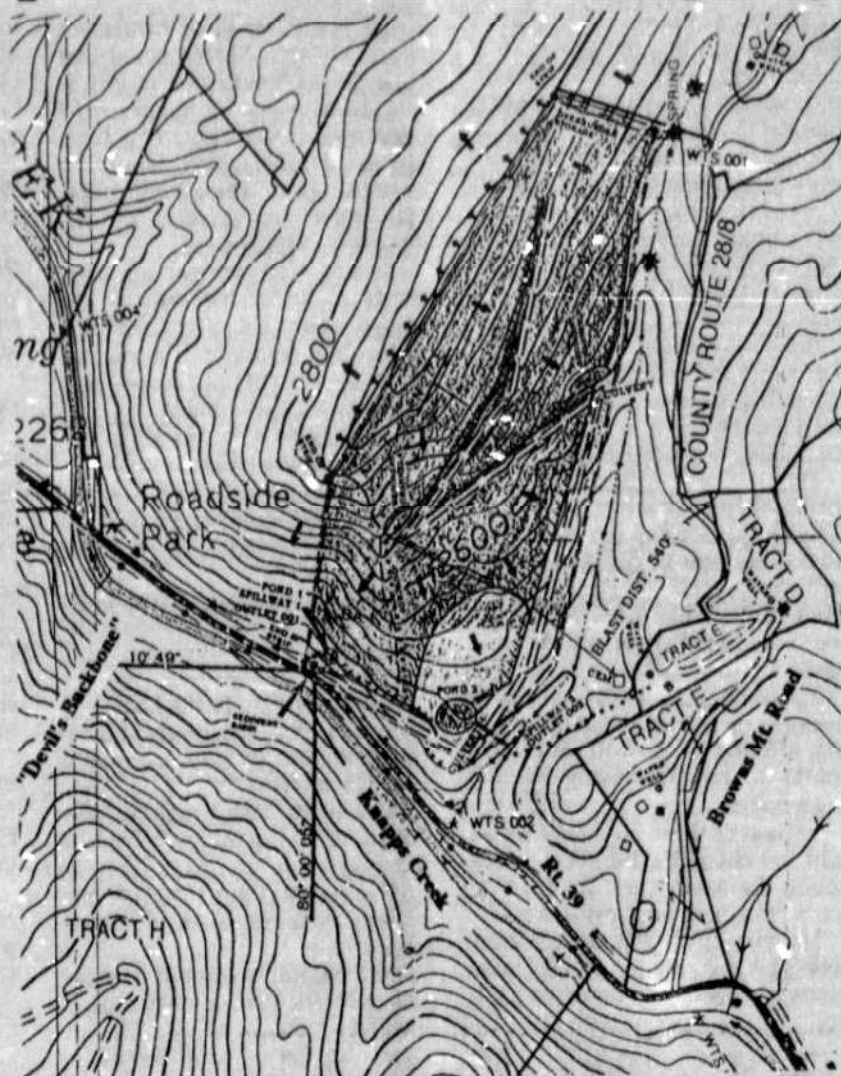
Browns Mountain resident said he was concerned about silicon dust—a potential by-product of the quarry operation.

"I am definitely opposed to the quarry. I'm worried about silicon dust," Danny Terry said.

Respiratory problems and cancer can be caused by inhaling harmful levels of silicon dust.

Wolcott said he believed the quarry wouldn't be compatible with Pocahontas County's tourism industry.

"Route 39 is one of the routes



Commission seeking bids for tannery clean-up work

At the County Commission meeting on Tuesday, approval was given to advertise for bids to complete the environmental clean-up work at the tannery site at Frank.

Don Bailey, who is doing the engineering work for the clean-up, met with the Commission. He gave commissioners copies of the environmental information which is needed to complete the paper work for the release of the Appalachian Regional Commission grant that will fund the project.

Mr. Bailey said the project is ready to be bid. It consists of two parts. One is for the drying of the remaining sludge in the ponds. The other part is the installation of a liner in the pond that will be final resting place for the dried sludge material.

The Commission gave its approval to seeking bids for the project. A pre-bid viewing of the site will be held on June 12.

The Commission set a special meeting for June 16 at 1 p.m. for the purpose of opening the bids on the two parts of the clean-up project. Hopefully, the contracts can be awarded at the regular meeting on the 21st.

Rondi Fischer, interim Ranger for the Marlinton Ranger District while Cindy Schiffer is on maternity leave, met with the Commission to introduce herself. She said Ms. Schiffer will be on leave until August 12. Ms. Fischer comes to Marlinton from the Clinch Ranger District on the George

Washington/Jefferson National Forest.

Charlene Beverage and Gibbs Kinderman gave the Commission an update on the county library system.

Ms. Beverage said there is only \$27,000 left to be raised to pay for the construction cost of the new McClintic Library in Marlinton. The facility is scheduled to open on August 14, she said. The libraries have a new computer system and are getting busier every day, Ms. Beverage told the Commission.

The library system has received grants to obtain books for young adults and Appalachian heritage for the new library, Ms. Beverage said. The public will be informed as to what other areas books are needed, for those who wish to make this type of contribution, she said.

Mr. Kinderman said the next project for library board, after the new Marlinton library is completed, will be an expansion of the Green Bank facility.

The commissioners visited the new library while on their lunch break.

A group of citizens from the Browns Mountain area appeared before the Commission to express their opposition to a proposed quarry on the mountain. See story above.

A letter was received from the Public Service Commission reappointing Ed Riley to the Solid Waste Authority.

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that tourists enter Pocahontas County," Wolcott said. "The town of Marlinton and the tourism office have said they plan to apply to make Route 39 a Scenic Byway. A quarry along the road wouldn't be consistent with that designation."

Howsare claimed Waco hadn't been forthcoming with information about its quarry plans.

"I object to the fact that they have been very secretive," he said.

Waco Oil and Gas president Doug Morris did not return several telephone calls, nor did HEFCORP-JON president Hugh Hefner.

DEP quarry permit supervisor Ron Stern said that Waco's permit application won't be released for public comment until the DEP completes its review of it. Stern said the DEP won't begin its review of the permit application until the stricter quarry reclamation regulations that the legislature passed this year to go into effect June 9.

"Right now we're not sure what

the Local Emergency Planning Council as a representative from the Eight Rivers Amateur Radio Club.

The Commission met in an executive session with John Merinar, Jr., a lawyer with the law firm of Steptoe and Johnson, to discuss the lawsuit Wilbur Curry has filed against Sheriff Jerry Dale and the Commission. Steptoe and Johnson is representing the defense in the case, which was filed by Mr. Curry following his dismissal by Sheriff Dale in 1997. Mr. Curry is claiming age discrimination.

It was noted that the Drama, Fairs and Festivals Committee needs to meet and act on requests for funds. Several activities are approaching that use DF&F funds and their requests have not been acted upon.

all the new guidelines will be," Stern said. "We're working on that now. This permit won't be reviewed until those guidelines are in place."

Once the new regulations are in place the DEP has 30 days to determine whether Waco's application needs corrections. When it is complete, the DEP will release it for public comment.

Wolcott said the Browns Mountain Group will ask for a hearing on the permit application.

"We will object under some provisions of the new quarry law," Wolcott said. "Section eight of the new quarry law said that areas where quarrying operations cause stream pollution, flooding, destruction of land for agricultural purposes, destruction of aesthetic values or recreational areas, or impairment of health and property of others shall not be mined by the surface mining process."

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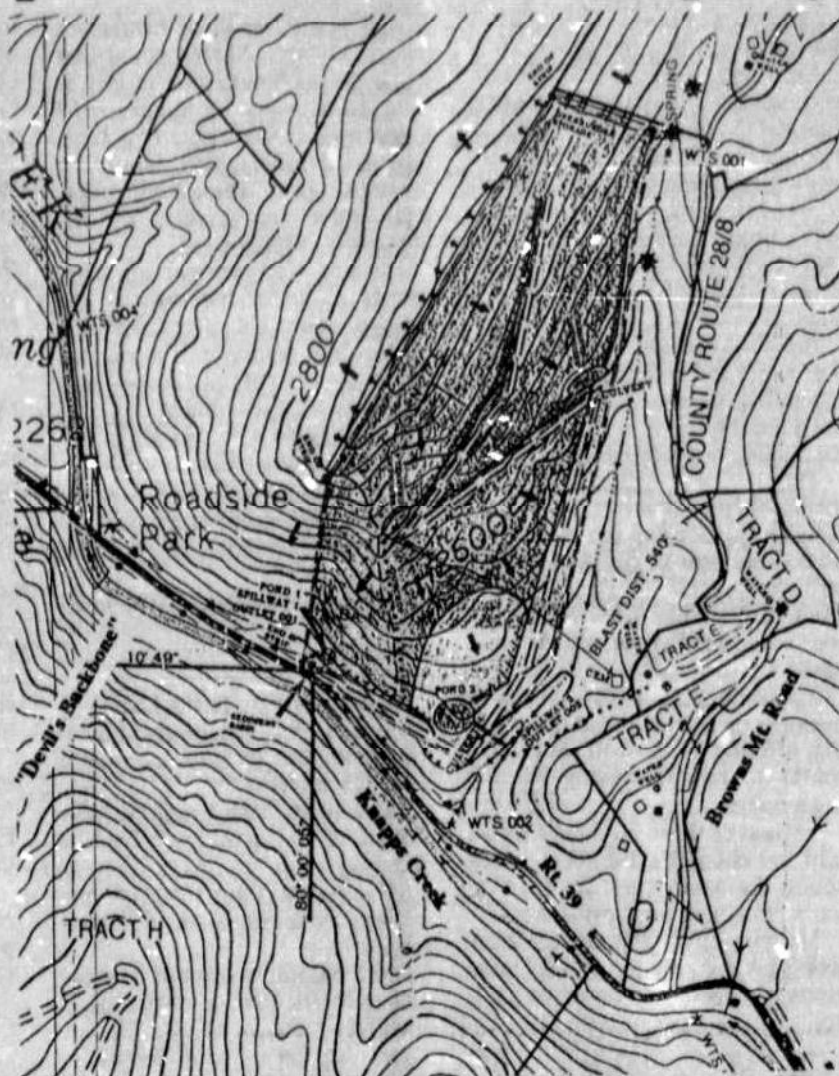
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ROGER GELIS (RIGHT) and defense attorney Eugene Simmons listen during a hearing held Friday in preparation for Gelis' trial for the murder of Melba Fitzgerald.

Leslie Hollandsworth photo

Fitzgerald murder

Gelis pretrial held in Lewisburg

by Leslie Hollandsworth

The West Virginia Daily News

Despite a number of issues affecting the trial of a Pocahontas County man accused of killing his live-in companion and business partner, Chief Circuit Judge Frank Jolliffe told attorneys involved in the case Friday that he intends to leave it on the docket as scheduled for July 18.

During Friday's hearing, Eugene Simmons, one of two attorneys representing Roger Paul Gelis, 57, of Stony Bottom, requested that the state turn over its discovery material.

Acting Pocahontas County Prosecutor Michael Doss, who was assigned to the case after Prosecuting Attorney Walt Weiford was hospitalized, said he had only recently received the autopsy report on Melba Hickson Fitzgerald from the State Medical Examiner's Office in Morgantown, and had forwarded a copy of it to the defense team.

Fitzgerald, 41, had lived with Gelis for several years. The pair operated The Intersection, a pizza and submarine sandwich shop on Rt. 28/92.

She was reported missing on September 8, 1999. Her nude, decapitated body was found three days later in a hand-dug well on property near Dunmore.

According to defense attorney R. David Arrington, Gelis has a 50% ownership interest in that property.

Doss told the court he is trying to get up to speed with this case, noting he had spent 11 hours working on it Thursday.

He assured the court and the defense attorneys he would provide the requested discovery material in one week.

Jolliffe noted that the state has encountered other difficulties in regard to this case, including the death of lead investigator Lieutenant Ron Simmons, of the Pocahontas County Sheriff's Department, on June 4.

The judge asked Doss if he had received discovery material from the defense. The prosecutor said he had not.

Jolliffe then informed Simmons and Arrington that they are required to provide discovery material to the prosecutor and admonished them for taking advantage of the state's unfortunate circumstances.

The judge also reminded them that their client had indicated he wanted the case tried as soon as possible.

Jolliffe said the defense caused the biggest delay in the case by requesting Gelis undergo a psychiatric evaluation which effectively halted proceedings until the middle of February.

The judge ordered both sides to provide their discovery material in a timely fashion, and advised them to review West Virginia's trial rules.

Defense attorneys also made a motion to suppress evidence which they maintained was seized by law enforcement officers during a warrantless search.

Doss acknowledged that the officers did not have a warrant the first time they went onto the property where Fitzgerald's body was found.

He explained that the officers responded to the scene after receiving a 911 call and were, therefore, acting in response to an emergency.

According to the prosecutor, three individuals who knew Fitzgerald decided to search the Dunmore property and discovered her body in the well.

Doss said the woman who made the 911 call requested an ambulance and the State Police. He explained that at the time, the officers who responded to the call did not know the condition of the person involved.

"They were acting under emergency circumstance," he said.

The judge asked Doss if police had asked any of the three people who ultimately called investigators to the property to make such a call if they found anything amiss there. Doss responded in the negative.

Doss noted that after the body was found, Gelis was taken in for questioning and he had given the officers consent for a search.

Arrington maintained that Gelis consented to a search of only the A-frame cabin on the property, not the property itself.

After hearing arguments from both sides, Jolliffe said the search met the requirements of both the emergency doctrine and the inevitability of discovery rule.

He said the evidence the defense was seeking to suppress would be admissible during the trial.

Doss indicated he might need to request another hearing before this case goes to trial, but no date was set for the consideration of further motions.

Gelis' trial was moved from Pocahontas County in April due to public sentiment surrounding the case.

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Residents organize to fight proposed Browns Mountain quarry

by Terrell McSweeney

Glenville-based Waco Oil and Gas Company is planning a new quarry at the intersection of Browns Mountain Road and Rt. 39.

According to a quarry permit application submitted to the Department of Environmental Protection on May 25, the 72.9 acre quarry site contains white medina sandstone, a rare and valuable material used to make anti-skid road surfacing.

A map included in the permit application indicates that Waco will remove the east side of the southern end of Browns Mountain to reach the sandstone deposits.

Waco is leasing a total of 248 acres across from the Devils Backbone formation from Buckhannon-based HEFCORP-JON, according to a lease agreement filed at the courthouse May 23. Under the terms of the agreement, Waco is leasing the property for \$250 a year and a royalty fee of 25¢ per ton of material removed from the site.

Some Browns Mountain Road residents plan to fight the proposed quarry. Sunday, they organized the Browns Mountain Area Protection Association. Bill Howsare, who lives adjacent to the quarry site, is president of the group.

"The idea is to save the homesteads of several of us who live along Browns Mountain Road and here in Possum Hollow," Howsare said.

Norman Wolcott, a Browns

Mountain property owner, said the group is opposing the quarry because of the impact it will have on the environment and geology of the area.

"WVU geology professor Thomas Kammer brings students here every year as part of class," Wolcott said to the Pocahontas County Commission Wednesday. "He says the area around Browns Mountain has been called one of the top one hundred geologic locations in the Southeastern United States."

"This is an educational resource," he added.

Gary McLaughlin, also a Browns Mountain Road resident, is worried about the impact a quarry will have on the water table in the area.

"There's going to be more silt and iron going into Knapps Creek if this quarry goes in," McLaughlin said. "That's going to impact Marlinton's water supply."

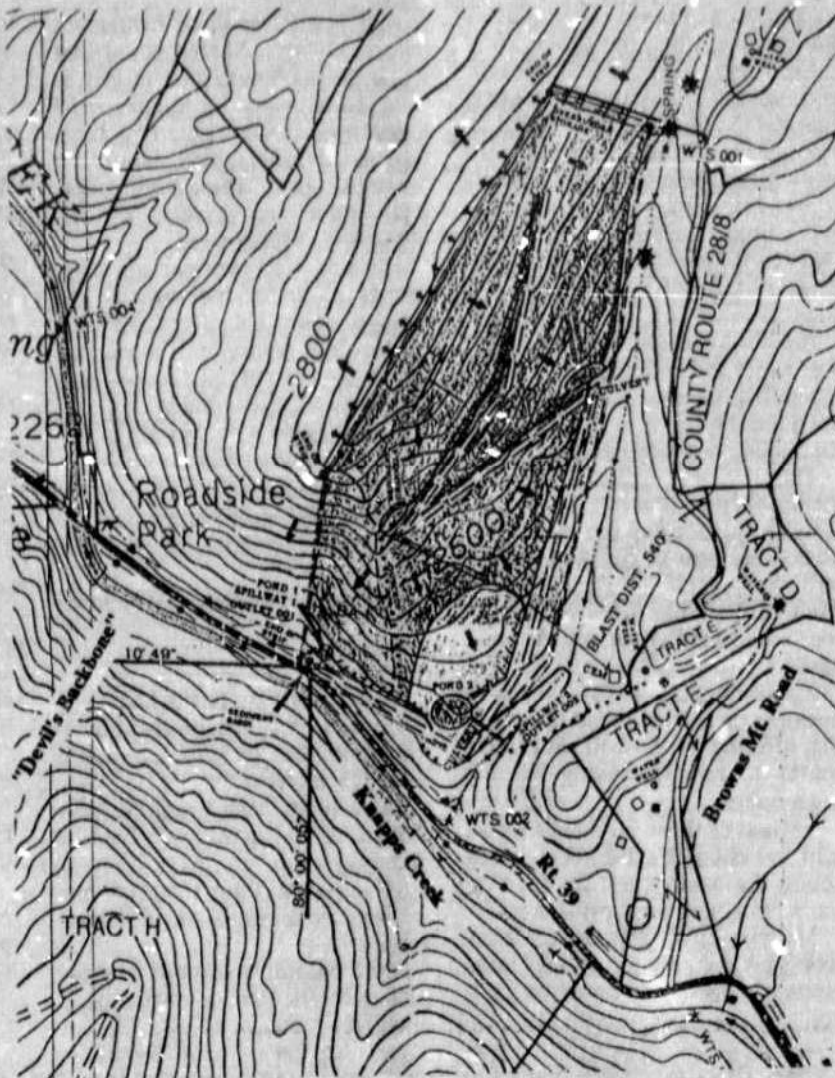
Browns Mountain resident said he was concerned about silicon dust—a potential by-product of the quarry operation.

"I am definitely opposed to the quarry. I'm worried about silicon dust," Danny Terry said.

Respiratory problems and cancer can be caused by inhaling harmful levels of silicon dust.

Wolcott said he believed the quarry wouldn't be compatible with Pocahontas County's tourism industry.

"Route 39 is one of the routes



that tourists enter Pocahontas County," Wolcott said. "The town of Marlinton and the tourism office have said they plan to apply to make Route 39 a Scenic Byway. A quarry along the road wouldn't be consistent with that designation."

Howsare claimed Waco hadn't been forthcoming with information about its quarry plans.

"I object to the fact that they have been very secretive," he said.

Waco Oil and Gas president Doug Morris did not return several telephone calls, nor did HEFCORP-JON president Hugh Hefner.

DEP quarry permit supervisor Ron Stern said that Waco's permit application won't be released for public comment until the DEP completes its review of it. Stern said the DEP won't begin its review of the permit application until the stricter quarry reclamation regulations that the legislature passed this year to go into effect June 9.

"Right now we're not sure what

all the new guidelines will be," Stern said. "We're working on that now. This permit won't be reviewed until those guidelines are in place."

Once the new regulations are in place the DEP has 30 days to determine whether Waco's application needs corrections. When it is complete, the DEP will release it for public comment.

Wolcott said the Browns Mountain Group will ask for a hearing on the permit application.

"We will object under some provisions of the new quarry law," Wolcott said. "Section eight of the new quarry law said that areas where quarrying operations cause stream pollution, flooding, destruction of land for agricultural purposes, destruction of aesthetic values or recreational areas, or impairment of health and property of others shall not be mined by the surface mining process."

Commission seeking bids for tannery clean-up work

At the County Commission meeting on Tuesday, approval was given to advertise for bids to complete the environmental clean-up work at the tannery site at Frank.

Don Bailey, who is doing the engineering work for the clean-up, met with the Commission. He gave commissioners copies of the environmental information which is needed to complete the paper work for the release of the Appalachian Regional Commission grant that will fund the project.

Mr. Bailey said the project is ready to be bid. It consists of two parts. One is for the drying of the remaining sludge in the ponds. The other part is the installation of a liner in the pond that will be final resting place for the dried sludge material.

The Commission gave its approval to seeking bids for the project. A pre-bid viewing of the site will be held on June 12.

The Commission set a special meeting for June 16 at 1 p.m. for the purpose of opening the bids on the two parts of the clean-up project. Hopefully, the contracts can be awarded at the regular meeting on the 21st.

Rondi Fischer, interim Ranger for the Marlinton Ranger District while Cindy Schiffer is on maternity leave, met with the Commission to introduce herself. She said Ms. Schiffer will be on leave until August 12. Ms. Fischer comes to Marlinton from the Clinch Ranger District on the George

Washington/Jefferson National Forest.

Charlene Beverage and Gibbs Kinderman gave the Commission an update on the county library system.

Ms. Beverage said there is only \$27,000 left to be raised to pay for the construction cost of the new McClintic Library in Marlinton. The facility is scheduled to open on August 14, she said. The libraries have a new computer system and are getting busier every day, Ms. Beverage told the Commission.

The library system has received grants to obtain books for young adults and Appalachian heritage for the new library, Ms. Beverage said. The public will be informed as to what other areas books are needed, for those who wish to make this type of contribution, she said.

Mr. Kinderman said the next project for library board, after the new Marlinton library is completed, will be an expansion of the Green Bank facility.

The commissioners visited the new library while on their lunch break.

A group of citizens from the Browns Mountain area appeared before the Commission to express their opposition to a proposed quarry on the mountain. See story above.

A letter was received from the Public Service Commission reappointing Ed Riley to the Solid Waste Authority.

Chuck Niday was appointed to

New fitness trail at Marlinton Municipal

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council splits on B & O Tax vote

brack broke a tie vote of the Marlinton Town Council Monday night after the first reading of the Business and Occupation Tax Ordinance.

Recorder Dotty Kellison and council members Robin Mutscheller and Jim Gibb voted in favor of the ordinance, while council members Jim Kellison, Keith Moore and Loretta Malcomb cast the negative votes.

Jim Kellison and Malcomb own businesses in Marlinton.

Dunbrack, who normally does not vote, broke the tie in favor of the reading of the ordinance.

The B&O Tax will garner 15¢ on the \$100 from retailers and manufacturers, with a cap for retailers of \$6,000 per year or \$1500 per quarter, two percent of gross income from contracting, and two percent for public service or utility businesses.

Approximately 15-20 Marlinton business owners attended the meeting, offering the council alternative routes to raising money for the town coffers.

Several of those business owners told the council a B&O tax could sound the death knell for Marlinton's remaining business district.

"If you keep taxing us there won't be anybody left to tax," said Hudson's Variety owner Mike Hudson.

Place Restaurant owner Melanie Shafer noted that while the tax would raise money to fund maintenance for the proposed levees and flood walls, five businesses, including hers, would no longer be open. "These other people will have to make up the difference," Shafer noted.

Hudson also brought up some lost revenue for the town in the form of water. The town loses 61% of its water annually. Hudson said that at the current rate the loss is "a quarter of a million dollars."

Hudson also pointed out that the town is losing money on trash collection and buying a garbage truck, but has turned down an offer to contract the service with County Disposal Service.

Dunbrack said the town had never lost \$15,000 on trash and the water loss was "being reviewed and researched."

"The town has always had a sizable water loss," Dunbrack said. "If we could find the problem, we'd solve it tomorrow."

"The town hasn't aggressively looked at these things," Hudson said.

"If the town could find some other way, we'd readily do it," Dunbrack said.

Reid Mitchell offered another avenue for the town to raise money,

to raise the municipal tax on utilities—water, sewer, garbage and electricity—by two percent for every municipal resident and business to raise a total of \$24,000.

That amount, plus the amount of the water loss would make up the amount the town needed.

Appalachian Sport owner Chuck Workman said raising residential water rates \$3 while raising businesses \$10 per month would raise another \$25,000.

"With an increase in utilities, everyone pays," Mitchell said.

He also suggested putting a two percent increase on contractors, particularly on new construction.

Workman also wanted to know how the money would be spent.

Dunbrack said it would be used for employee raises and health benefits. Town council had discussed paying for employees health insurance and providing insurance for employees and their families, as well.

That statement brought Mitchell to his feet to address the council. "No business pays for family benefits," Mitchell said. "Very few pay the total for employees."

It costs too much, Mitchell explained, plus single employees are penalized with lower benefits than their married counterparts.

Part of the B&O tax revenue is

also slated for funding operation and maintenance costs for the proposed flood walls and levees.

Mitchell wanted to know why the council was worried about maintenance costs before it had the required matching funds in the amount of \$10-\$12 million.

"Do you think the federal government is going to appropriate \$54 million and not know if we have the matching funds," Dotty Kellison asked. "We'll get the money, let's just put it like that."

Moore responded to the business owners, saying he could hardly support a tax that would hurt town businesses.

"I know the business people are the heart and soul of the town," Moore said. "We may have jumped in before we knew how deep the water was. I can't see how I can vote in favor of the B&O tax."

Mutscheller asked why more business owners weren't present.

"Most folks say it's a non-responsive city council," said Pocahtontas Pharmacy owner Jim Burks. "They think you're going to do it anyway."

Council will hear the second reading of the ordinance on June 16 at 7:30 p.m.

Final reading is scheduled for June 26.

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jury finds Beard not guilty of Rainbow Murders

two-and-one-half hours last Wednesday of the locally infamous Rainbow

Beard was on trial for the second time in connection with the 1980 slayings of Nancy Santomero, 19, of Huntington, Long Island, New York, and Vicki Durian, 26, of Wellman, Iowa.

The jury heard eight days of testimony in the case that began on a summer evening in 1980 when the bodies of Santomero and Durian were found shot to death at close range on Briery Knob, remote section in southern Pocahontas County.

"Truth wins in the end," the 54-year-old Beard commented after the verdict. Beard said he would spend a few days relaxing and then celebrate with his daughters.

"I don't know that this will prove it to everyone," Beard said. "People who know me know I didn't do this. My conscience is clear."

Beard cannot again be charged with the crimes he was indicted for in 1993 and convicted of that same year by a Greenbrier County jury. That jury recommended no mercy meaning Beard would never be eligible for parole; however, five and one-half years into his sentence, Senior Status Judge Charles Lobban set aside the jury's verdict and granted Beard a new trial based on the deposition of a convicted serial killer and the affidavit of Beard's former co-defendants.

Serial killer Joseph Paul Franklin said he killed the women because one of them said she dated blacks and the other said she would have no problem doing so. Prosecutors disputed Franklin's confession, saying that his details of the crimes did not match the physical evidence in the case. Franklin also drew a map of the area which prosecutors called "vague" and defense attorneys called "detailed."

Arnold Cutlip, who was indicted along with Beard in 1993, testified he was with prosecution witness Johnnie Lewis on the day the women were murdered and they saw neither Beard nor the women.

Beard's defense team was tearful, and at the same time jubilant upon hearing the verdict, public defender George Castelle openly shedding tears while others hugged Beard and his wife, Linda.

Lead defense attorney Stephen Farmer, who represented Beard in his first trial, was happy with the verdict. "It's a great day," Farmer said. "The system took a long time to work. It's been eight years and now he gets to go home and live with his wife."

Beard was arrested for the murders in 1992.

Beard said he was "forever indebted" to Farmer, Miles Morgan and public defender George Castelle for the defense he was provided during his 11-day trial in Sutton and throughout the last eight years. Castelle has been a volunteer on the case for the past several months, Beard said.

Farmer said he had no doubts about the outcome of the case, particularly since Beard himself believed so strongly in his innocence. "Mr. Beard was so patient and so believing in the system," Farmer commented. "His belief and confidence in the system never wavered so mine couldn't either."

"They poured their hearts into it," Beard said of his defense team.

The prosecution team left the court room quickly after the jury was released. Later, lead investigator Robert Alkire, who has worked on the case since the evening of the murders, said he was disappointed, but accepting of the jury's verdict.

"The system we have is the best system in the world," Alkire said. "You've got to accept what the jury says. There's still one more judge Mr. Beard has to go through."

Although the outcome is not what Alkire said he expected, he was relieved that the case was finally over.

Two members of the jury said Thursday a lack of evidence from the prosecution sealed their decision. "We looked at all the points of contention," one jury member elaborated. "We went on the basis of the evidence. We felt the defense was correct and certain things were not convincing enough from the prosecution to merit a guilty verdict."

Beard said he was "optimistic about this jury from the beginning" and wanted to thank them for sifting through the evidence.

A few prosecution witnesses testified they withheld information from investigators because they had been threatened or felt threatened by Beard.

"There's not one witness the prosecution put up who has anything to fear from me," Beard said.

His former Hillsboro man said he will stay in the Lewisburg area with his wife for the next few weeks and return to farming, a former occupation. Beard said he will begin working for Charlie Long and Bill Irons. Long and Irons were two of three men who posted Beard's \$100,000 bond in 1992.

Beard said he will return to Florida for a time, but has not ruled out the Lewisburg area as a permanent home because his wife has employment near there; however, Beard's two daughters reside in Florida and he said he didn't know if he wanted to live so far from them. He will return to Florida later this month to tie up loose ends there, he said.

"We have a lot of talking to do in the next few weeks," he commented. "I'm glad it's over."

Over for Beard, but not for two families still grieving after 20 years and still looking for answers about the brutal murders of their daughters and sisters.

Kathy Santomero-Meehan said Thursday she was still numb after hearing the jury's decision. "I wish the evidence was strong enough the jury didn't have any doubt," Santomero-Meehan said. "I hope the future brings us more enlightenment. Somebody killed her and it seemed like Beard was the one."

Santomero-Meehan said she hoped someone would still come forward with answers about the murder of her sister, Nancy.

She said her father was disappointed at the verdict.

Vicki Durian's sister, Mary Kauffman, said she was in shock when she heard the jury's verdict shortly after it was rendered.

Kauffman said from the evidence she had seen and heard over the years she felt the prosecution had the right man. "I feel a guilty man is now walking free," she said.

However, she said she appreciated the people who had worked so hard and so diligently on this case for the last 20 years and "to the people who had the courage to testify on Vicki's and Nancy's behalf."

"Your efforts will not be forgotten," Kauffman said.

"My hope is that we, the family, will now be able to remember Vicki for the loving, caring person she was and all the fun we shared with her in her 26 years of life. Now maybe we will not have to be constantly reminded of the fear and terror Vicki and Nancy must have felt in their last hours on earth," she said.

Kauffman said she had faith that God knows "exactly who was involved in this crime and the part they played."

"God's judgment and punishment for this act will be more severe than any punishment the courts could have," she said.

Santomero-Meehan and her mother traveled to Sutton for the first part of this trial. Kauffman attended a portion of Beard's 1993 trial, but was not able to come to West Virginia this year.

Both Santomero-Meehan and Kauffman said their families had discussed



JACOB BEARD, FLANKED by defense attorneys Stephen Farmer, left, and George Castelle, right, prepares for what will be his final day in court.

filing a civil suit, but had not decided to do so yet.

During closing arguments, Farmer pointed to Alkire as one of the 87 reasons Beard was innocent of the crimes.

Farmer alleged that Alkire had orchestrated the case against Beard and coerced several witnesses into changing their stories to incriminate his client.

The defense attorney listed several prosecution witnesses who had changed their stories after spending time with Alkire, including Santomero and Durian's traveling companion Elizabeth Johndrow, who first said she left the women at 1 p.m. on June 25, 1980, the day of the murders, and then changed her testimony in 1993, saying she believed she parted from them at Richmond, Virginia, on June 24.

"If Jacob Beard goes to jail in this case then none of us are free. Our families aren't free, our children aren't free. We'll all have to be scared that 20 years from now somebody is going to make up a story about us," the attorney argued. The prosecution's case is like a puff of smoke, Farmer said, "every time you get hold of it, it slips through your fingers."

Farmer said Beard's inability to recall exactly where he was on the afternoon of June 25, 1980, was not a reason to find him guilty. "He's been brutally honest about the fact he can't remember where he stopped," the attorney said. "If he wanted to he could have made up a story. The reason you should believe him is because he wouldn't do that."

Beard, Farmer told the jury, was just a man who worked hard as a mechanic and was taking care of a family, while the state would "have you believe Mr. Beard for no reason at all, and totally out of character, shot these women."

Farmer asked the jury to recall the confession of Joseph Paul Franklin, who "had the resume to do what he did. He traveled around the country doing it over and over," Farmer said.

The defense attorney noted that Franklin had confessed to the murders in 1984 and drew a map that detailed the area where the murders were committed.

Farmer touched on the defense's other theory of the case, that Santomero and Durian were killed by Beard's former co-defendant, Gerald Brown, and his companion Bobby Lee Morrison, more during closing arguments than he had throughout the defense case. Several people who testified for the prosecution did so to protect Brown and Morrison, the defense attorney alleged, including Mike and Odessa Hively, Brown's half-brother and sister-in-law, and Dale Morrison, Grace Hanna, and Betty Bennett Pritt, Bobby Lee Morrison's brother, mother and close friend.

None of those people came forward when Brown and Morrison were jailed for the murders in 1983, the defense attorney said, and did not speak with investigators until 1992 when Beard was charged.

Prosecutor Stephen Dolly, who took over closing arguments after Pocahontas County Prosecuting Attorney Walt Weiford was hospitalized Tuesday, told the jury the premise of a conspiracy against Beard wasn't believable, noting that Alkire was "not out to get an innocent man. For all that fingerprinting at Bob Alkire, where's the evidence to back it up?" Dolly asked the jury.

"We wouldn't be here today if it weren't for that phone call he made to Vicki Durian's father," Dolly advised the jury. "And that's where he went too far. (Alkire) was put on to the defendant because of the defendant's own actions."

Franklin's confession was not credible and didn't work, Dolly said. Franklin, the prosecutor said, had some information and knew what people wanted to hear. "He's just like the guys who tell fortunes and read palms," Dolly argued. "He'll give you what you want to hear, but nothing you can verify."

Franklin's confession kept people coming to see him, Dolly said, and bought him more time on Missouri's death row. And if Franklin had been allowed to travel to West Virginia to testify in this case, as the prosecution planned, he'd have some "windshield therapy."

"He's not worth much belief," the prosecutor said.

As for the Brown/Morrison theory, Dolly reminded the jury they had heard no evidence about them. Dolly said Brown's former wife, Drema, was more likely the witness testifying to protect him. Drema Brown first told her story in 1983, Dolly said, and "now she's stuck."

The possibilities narrowed to Beard, Dolly said, reminding the jury that the prosecution witnesses had no stake in the outcome, while two notable defense witnesses, Beard and his wife, Linda, had much riding on the jury's verdict.

"It all comes down to the 'team,'" Dolly said, using Linda Beard's description of her marital relationship. "Tell me they don't have a stake in this."

"When you look at the face of Jacob Beard, you look at the face of a man who has already committed murder twice," Dolly told the jury. "There is not much that would stop him now to keep his freedom."

A female juror was dismissed Wednesday morning and replaced with a male alternate, causing the jury to have exactly the same 10-man, two-woman make-up as the Greenbrier County jury that convicted Beard.

The 20-year-old Rainbow Murders are once again officially unsolved.

Orchids...

To the Pocahontas Community Club for its wonderful after-prom party at PCHS. Your support of youth is appreciated.

June 1, 2000

Murder Trial

continued from page 2

him, he said. He disposed of the women's duffel bags in "what appeared to be a dump" several miles from where he shot the women, he said.

The serial killer said he was on his way to Lexington, Kentucky, after he had robbed a bank in Burlington, North Carolina, on the previous day. He traveled to Virginia Beach, Virginia, in the interim, he said. Franklin said he was driving a black Chevrolet Nova that had been light blue before he painted it. That pattern matches vehicle paint chips found on one of the women's bodies, according to a State Police Crime Lab sergeant.

Franklin described the gun he used to kill the women as a foreign-made .44 Magnum with a seven-and-a-half inch barrel. In 1984 he drew a map of the area where he said he killed the women. Defense attorneys have called the map "detailed," while prosecutors have called it "vague."

The women's backpacks were found nearly 60 miles from where the murdered women were found in a rhododendron thicket off Rt. 60 near Hico.

The confession was a videotaped deposition taken in October, 1997, by Prosecuting Attorney Walt Weiford and Simms.

Prosecutors had wanted to bring Franklin to West Virginia to testify in their case against Beard; however, Missouri officials refused to grant Franklin travel time. Franklin also refused to speak with attorneys in the case in a second video deposition because it would be the fourth time he has spoken with West Virginia authorities. According to lead investigator Robert Alkire, Franklin said four was a bad number for him.

Another defense witness placed two women, one in a red sweatshirt, getting into a 1969-1971 black Chevrolet Nova.

John Blake, of Maxwellton, said as he was driving home from work he saw two women headed north on Rt. 219 just above Lewisburg. Blake said he stopped at the Little General Store in Maxwellton and the women entered the store, as well.

Blake said they left with a tall, thin male who had neither tattoos nor glasses, Franklin has both.

The Maxwellton man positively identified the red University of Iowa athletic department sweatshirt Santomero was wearing when her body was found on Briery Knob. While Blake said he was sure one woman was wearing blue jeans, one was wearing fatigue pants and the other lavender slacks.

Blake said he could have seen the women as early as 3:30 p.m. or as late as 6 p.m.

Three police officers who formerly worked on this murder case testified for the defense.

First Sergeant Mike Jordan, who operates out of Elkins with the Bureau of Criminal Investigation, said he interviewed state's eyewitness Johnnie Lewis in June, 1992, when Lewis said he didn't see the murders occur.

Jordan, who in 1993 testified that he went to Marlinton to "blow apart" Lewis' statement, said Wednesday that statement meant he wanted to "pick apart his statements, the three of them, and see which one was the truth."

The sergeant said when he left the interview he believed Lewis was being truthful when he said he didn't see the murders. Jordan said he interviewed Lewis only once and largely worked on another aspect of the investigation.

Jordan also brought in another BCI investigator, Dallas Wolfe, to interview Lewis.

Wolfe testified that Lewis said he was intimidated and had told the officers what they wanted to hear when he said he had witnessed the shooting.

Wolfe interviewed Winters Charles Walton in June, 1992, as well when Walton told him "he wasn't sure whether he heard shots or whether he dreamed it," Wolfe testified.

The investigator said he didn't challenge Walton's story until he said he couldn't remember whether he'd seen it or heard it.

Both officers testified that they had not spoken to Lewis or Walton since June, 1992, and had not been involved any further in the investigation.

Another officer who was on the scene of the murders also testified for the defense, as well. Gary Hott, who was a State Police corporal stationed in Marlinton at the time, said he recalled the bodies of two women on Briery Knob in June, 1980. Hott said he noted a wet smear of blood on one woman's hand. There was no wound on her hand, Hott noted. The former State Police Corporal said he noted no rigor mortis in either woman.

Hott noted that dew had fallen and it was "clammy" outside.

He said he couldn't attempt a guess at a time of death and said under cross examination that the smear of blood could have occurred if the bodies were moved.

Beard's former employer and a coworker testified on his behalf. Both Alex Arbuckle, who is currently vice-president of Greenbrier Tractor Sales, and Karen Willis, who has been a bookkeeper there for over 20 years, said it was not unusual for GTS employees to write in a quitting time on their time cards since employees were frequently called out to work for a customer in the afternoons.

Arbuckle said Beard was a good employee whose work was more than satisfactory. Beard was a good mechanic, Arbuckle testified, who got his work done and was dependable.

Beard testified in 1993 that he was working in the field for a GTS customer whose name he couldn't remember on the afternoon of June 25, 1980, and later attended a meeting of the Pocahontas County Board of Education to oppose the consolidation of Hillsboro school with Marlinton.

Lewis' former attorney, Marilyn Thompson, testified to what Lewis said to her when third parties were present. Thompson could not testify to anything Lewis told her alone because of attorney-client privilege.

Thompson said she had no independent recollection of any of Lewis' statements and refreshed her memory by reading her 1993 testimony.

Thursday, May 25

Key defense witness testifies for Beard

A former co-defendant in the Rainbow Murder Case testified Thursday that he was with state's eyewitness Johnnie Lewis all day the murders occurred and saw neither Jacob Beard nor the murders.

Arnold Cutlip, of Marlinton, said Lewis lived with him and was with him every day cutting locust posts.

Lewis has testified that he was with Cutlip on Briery Knob when he saw Beard shoot two women.

On the day of the murders Cutlip said he and Lewis worked all morning cutting locust posts, then delivered the posts to a customer in Buckeye. After he was paid, Cutlip said, he and Lewis went to Marlinton where he made arrangements to purchase a pickup truck from Paulmer "Buddy" Adkison. Cutlip said he and Lewis intermittently drank liquor and beer all afternoon, stopping at two different bars to drink beer, as well as purchasing two 12-packs of beer to have on the road.

Cutlip said he and Lewis were at Droop Mountain Battlefield State Park for a brief period with Adkison, but did not see Beard's former co-defendants Gerald Brown, Richard Fowler and Bill McCoy or the prosecution's other eyewitness, Winters Charles Walton.

Other witnesses have placed all those people at the park entrance and one witness testified he saw two unfamiliar women in Fowler's van.

Cutlip said he did hear community rumors that Beard had committed the murders and was asked if he was afraid of Beard. The witness said he told people he was not.

Under cross examination, Cutlip admitted that he had himself said Beard may have committed the murders, but testified later that he also had speculated that Brown and a companion may have killed Santomero and Durian.

Prosecutor Stephen Dolly asked Cutlip about a statement he had given police just one week after the murders occurred. Dolly said that statement reflected some details that were not in Cutlip's testimony, while it did not include other details Cutlip now recalls.

Cutlip said he did not read the document before he signed it.

The witness said he was offered immunity in the murders if he testified against Beard, but not if he told any other narrative of the day. He did not accept the agreement and testified he could again be charged with the crimes.

"I just couldn't do it," Cutlip testified. "I know what Johnnie said wasn't true."

"If Johnnie Lewis is telling the truth and if Pee Wee Walton is telling the truth and if the folks who say they saw the defendant and Pee Wee and Bill McCoy and you and Richie Fowler are telling the truth you could be in trouble, couldn't you?" Dolly asked.

"Looks like it," Cutlip said.

"You have a personal stake in making sure these folks (the jury) do not believe Johnnie Lewis and the rest of the State's witnesses?" Dolly inquired. "I know nothing about the others, I know about Johnnie Lewis," Cutlip said.

Beard's wife, Linda Beard, testified on behalf of her husband. Linda Beard described a hardworking husband who had a good job and a loving family who worked alongside him on the farm. "We were a team," she said.

She testified her husband came home around 5:30 p.m. on June 25, 1980, they ate supper and left to attend a meeting of the Pocahontas County Board of Education where consolidation of Hillsboro school with Marlinton was to be a topic.

She called her husband at 3:50 p.m. to remind him of the meeting and to ask him to bring home some items from the store, she testified.

Linda Beard said her husband was "definitely not" drinking that evening and exhibited no unruly behavior at the meeting where several people were angry and speaking loudly.

They arrived at the meeting on time, she said, but had to wait outside

for a time because the meeting was delayed to accommodate the large crowd that attended. They waited with Patty and Roger Pritt and "Skeeter" and Nora Lou Workman, Linda Beard testified.

She was working the 11 p.m.-7 a.m. shift at Denmar State Hospital, she testified, and left the meeting early. Her husband rode home with the Pritts, she said.

Linda Beard found out about the murders of two young women on Briery Knob when she arrived at work, she said, but no one had any details about the crimes, including the identities of the women.

She testified she loved her husband and very much wanted him to be with her.

Linda Beard's cousin, Patricia Westfall, formerly Pritt, also testified that Beard was neither drinking nor unruly at the board of education meeting. Westfall placed Jacob Beard outside the board of education meeting before 7:30 p.m.

Roger Pritt's 1993 testimony was read into the record. It mirrored that of Westfall's. Roger Pritt is now deceased.

Another witness has testified Beard was drinking at the meeting.

Gerald Brown's former wife, Drema, testified that she was at home most of the day on June 25, 1980, and no one visited their Droop Mountain home. Drema Brown said she would recall if Fowler had stopped by, particularly if he brought two young women.

Gerald Brown is now deceased.

Drema Brown said she clearly recalled the events of the day because her mother and sister were arriving from Ohio that evening. She said she ran out of cleaning fluid and went to the Droop Cash Store to purchase some. The store was out of cleaning fluid, so she went to her aunt's home to tell her she was going to Hillsboro to make the purchase.

She said she wanted someone to know where she was in case her family arrived, she said.

The witness also testified that Fowler, Beard and McCoy did not come to her home that evening to wash out Fowler's van. Brown said access to water was around the back of the trailer, but said plywood was nailed over the hot water heater in the trailer's front.

Brown testified that her husband came home drunk and wanted her to transport him to move a log truck. They left home about dusk, she said.

Drema Brown's sister, Teri Kershner, testified that she, too, remembered no one else visiting the Brown home that evening. Kershner said she and her mother visited other family in the area for a time that evening. Kershner remembered Brown made pork loin and green beans for dinner that evening, she said, as was the tradition in the family.

State's witnesses have placed Fowler's van at Brown's trailer on two different occasions that day, once in the early afternoon and once later in the evening when one witness said he saw Beard, McCoy and Fowler washing out the back of the van with a water hose.

Friday, May 26

Beard denies committing murders, can't say where he was

The man on trial for murdering two young women hitchhiking to a Rainbow Family Gathering in 1980 took the stand in his own defense Friday, denying involvement in the crimes, but unable to say where he was conclusively for a period of several hours.

"Did you kill these young ladies?" lead defense attorney Stephen Farmer asked.

"No, sir, I did not," Beard answered.

Jacob Wilson Beard, a Pocahontas County native, testified that he was only casually familiar with former co-defendants Richard Fowler, Bill McCoy and Arnold Cutlip, while he said he did know former co-defendant Gerald Brown from a business relationship.

The defendant testified the ordeal had been difficult. "It's been very hard," he said. "It's destroyed my family."

Beard said he was working all day on June 25, 1980, for Greenbrier Tractor Sales. His time card for that day shows a handwritten check-out time of 5:15 p.m. Beard was not in the shop at GTS the remainder of the week, but out on service calls for customers noted on the card. Times for June 26 and 27 are hand-written, as well, by someone other than Beard.

He was home by 5:45 p.m., he said. Later, Beard said, he attended a Pocahontas County Board of Education meeting where the consolidation of Hillsboro School with Marlinton.

Farmer asked Beard to name all the farms between GTS and his home near Hillsboro. Beard named over a half-dozen farms that patronized GTS while he worked there. But he could not conclusively pinpoint at which one he stopped. Beard said he may have been delivering a part rather than making a service call, but he could not recall exactly where he was.

"I wish I could," Beard testified. "I have tried to remember."

Beard said he knew he left GTS for work purposes, otherwise he would have punched out.

The defendant said he had gone to farms to find records, but none was available. "They don't keep them that long, apparently," he said.

GTS always kept a record of work activities, but none was available when he tried to obtain them in 1993, he said, because those records are destroyed after 10 years. "In 1980 there would have been either a repair order, a parts ticket or a warranty claim to verify where Jake Beard was," he testified.

Beard said he remembered that his wife had called him to remind him of the board of education meeting and to ask he bring home some items from the store. He produced a receipt from J & K Market in the amount of \$10.95 for June 25, 1980; however, under cross examination, Beard admitted that neither a time nor a name is associated with the purchase on the receipt.

As he traveled home that evening, the defendant testified he saw Christine Cook, now Borchert, with Paulmer "Buddy" Adkison and his former co-defendant Bill McCoy with two unfamiliar women at a place called "Lover's Lane." Beard placed the group there at 5:30 p.m.

Borchert testified she did not know Beard then and could not place him on Droop Mountain that day, although she did place McCoy and another co-defendant, Richard Fowler, at the entrance to Droop Mountain Battlefield State Park, along with two women she didn't know.

Beard testified he arrived at the board of education meeting between 7:15 and 7:20 p.m., 10 minutes before it was scheduled to begin. The meeting was held in the elementary school cafeteria, he testified, but the location did not change, as another witness has testified.

He testified he was not drinking that day and only drank a small amount on weekends at home, never in bars or out with other people; however, Beard said the 1983 death of his father caused him to drink more heavily. "I loved my dad very deeply," he testified. "I was upset."

By that time, Beard was already a suspect in the slayings of Santomero and Durian because of a telephone call he made to Durian's father in Iowa in early July, 1982. Beard said he made the calls because he'd read an article in a newspaper about the unsolved murders. Efforts to find an anniversary article about the murders in the three publications he read, including this newspaper, were unsuccessful, he said.

"I thought it was awful two girls had died in our home county and they hadn't found the killer," he testified. "I told Linda if this was our daughter I'd be on the police every day to find out what had happened. I thought maybe the parents could prod the police into doing something or bring in another law enforcement agency."

He said he told Howard Durian he didn't believe the police in the area were capable of solving the crime, but added he thought the Pocahontas County Sheriff's Department was in charge of the investigation. "I may have told him the people in the area were sorry that it happened in our area."

He didn't give his name to Howard Durian, he said, because he thought "it would be better not to become involved in it. I didn't know anything about the murders," he testified.

Beard said he got the Durian's telephone number through an operator. He testified he did not also call the New York family because he could not say Santomero.

A month later, Beard testified, he was contacted by police and voluntarily went to State Police headquarters in Marlinton where for the first time he met Sergeant Robert Alkire.

Beard said he cooperated with police in the interview and admitted making the telephone calls.

Stephen Dolly of the Prosecuting Attorney's Institute asked Beard to use his own time line to determine at which farm he might have stopped.

Dolly said farms in Frankford could be eliminated because Beard could not have seen Cook, Adkison and McCoy at Lover's Lane 15 minutes later because of driving time. Dolly also said the clockout time of 5:15 p.m. meant Beard could not have stopped at farms north of Droop Mountain if he had seen the trio at 5:30 p.m. Thus, Dolly concluded, Beard's whereabouts were narrowed to two farms near Renick. Beard appeared to agree with all Dolly's assumptions, but could not say with certainty he was at either farm.

But Dolly's presumption that Beard had gotten Durian's telephone number because he might have been still in possession of some of the victim's belongings met with an emphatically negative answer from Beard.

The prosecution put on seven witnesses in rebuttal in an attempt to defuse the defense's case for Beard.

Three witnesses testified to discredit Joseph Paul Franklin's confession to the murders. Franklin's October, 1997, deposition played a part in Senior Status Judge Charles Lobban's decision to grant Beard a new trial. That two-hour deposition was played for the jury in this trial since Franklin refused to grant attorneys a second chance to depose him.

Robert Cassidy, of Nashville, Tennessee, said he sold a Browning 30.06 to Franklin either on June 24 or June 25, 1980. Cassidy said he recalled the date because Tuesday and Wednesday were his only days off from CSX Railroad and had been each week for 20 years.

The Nashville man said he had advertised four guns separately in the

Trader's Post, a free publication, between June 16 and June 23, 1980, and knew he sold the Browning 30.06 after the advertisement ran out.

Cassidy said he got a phone call from a man in a nearby town and gave him directions. He recalled the man as being six feet tall and about 180 pounds with reddish hair and glasses with one thick lens. Cassidy said the man never smiled. "I couldn't break that personality," he said.

The man picked up the gun in Cassidy's kitchen and aimed it, Cassidy said, and then said he'd take the weapon, giving Cassidy \$400 in cash.

"He had a roll that would choke a mule," Cassidy testified.

Franklin is legally blind in his right eye and has a habit of either wearing wigs or coloring his hair. He has admitted robbing a bank in Burlington, North Carolina, on June 24, 1980.

Six months later Cassidy was visited by FBI agents who asked him to identify a picture of the man who bought his gun. But Cassidy told those agents in 1980 that he sold the gun on July 5. He had not changed his story until 1998 when he testified in a hearing in Lewisburg. Cassidy said he could not have sold the gun on July 5, a Saturday, because he was working that day. "It is my 100% belief that I sold the gun on the 24th or 25th," Cassidy said.

Sergeant Steve Dawson testified he had checked out Franklin's map, which he drew in 1984. "I don't think it's an accurate depiction myself," Dawson said. "It all took place on the other side of the road. That's not how it was."

The sergeant also said he checked mileage from the scene where the bodies of Santomero and Durian were found to the interstate and found it was 30.5 miles. Dawson said on a normal day travel would take 45 minutes. Franklin said he traveled less than 15 minutes with the women before he shot them.

And David Sterling, who resides in a federal penitentiary in Florence, Colorado, said Franklin told him he hadn't committed the murders of Santomero and Durian.

Sterling said he wrote a letter to the FBI after he saw Franklin's appearance on the CBS news program 60 Minutes II. Franklin's confession on that program did not match the story Franklin told him in prison, Sterling said.

Sterling said Franklin began to talk about the West Virginia murders in terms that closely mirrored another murder he'd committed in either Ohio or Wisconsin. He began to discuss the West Virginia case after a reporter visited him in Marion, Illinois. Sterling said Franklin told him he got information on the case from newspapers, but never showed him the articles.

Sterling said Franklin was talking about religion and "saving his soul or what was left of it" when he denied killing Santomero and Durian. "He said 'I swear to God I didn't do that. I wasn't anywhere near there when that happened,'" Sterling testified.

The prisoner testified he neither sought nor expected any favors in exchange for his testimony.

Lead investigator Robert Alkire was back on the stand to refute some of Beard's evidence in testimony.

Alkire said he asked for all work records from Greenbrier Tractor Sales pertaining to Beard's activities on June 25, 1980. "The only thing we could find was a time card," Alkire testified.

Grace Hanna testified that she saw Beard's former co-defendant Arnold Cutlip between 2 and 2:30 p.m. on June 25, 1980, on the side of Droop Mountain with Johnnie Lewis, Paulmer Adkison and Christine Cook. Cutlip, whose affidavit also prompted Lobban to grant Beard a new trial, testified that he saw Hanna between 5 and 5:30 p.m. that day.

Mike Hively testified that access to hot water was available in the front of Gerald Brown's trailer. Hively said he believed that a door to the hot water heater was still in place in the summer of 1980. During deer season of that year, Hively said he believed Brown replaced the door with a piece of plywood, which was not nailed in place, but set in place of the door. Brown is now deceased. Hively is Brown's half-brother and was his next door neighbor.

Brown's former wife, Drema, testified that the plywood was nailed there and that access to water was in back of her home.

A prosecution witness placed Beard, Fowler and McCoy at Brown's trailer washing out Fowler's van with a hose.

A friend of key prosecution witness Johnnie Lewis testified that Lewis told him he was on Briery Knob the day of the murders. Droop Mountain resident Jerry Morrison said Lewis told him a year later that "he was back there" the day Santomero and Durian were killed.

Tuesday, May 30

Rainbow prosecutor taken ill, judge denies defense motion for mistrial

Prosecutor Stephen Dolly will take over closing arguments in the Rainbow Murder Case after Pocahontas County Prosecuting Attorney Walt Weiford was hospitalized Tuesday, reportedly with a lung infection.

Weiford was transported to Charleston Area Medical Center, Memorial Division.

Dolly, who has aided Weiford throughout the trial, will have an hour to argue for the state in its case against Jacob Beard.

A member of Beard's defense team, George Caselle, made a motion for a mistrial with prejudice, meaning Beard could never again be prosecuted for the murders.

Castelle said he compared the testimonies of 10 prosecution witnesses and found "deeply troubling results."

Those witnesses have changed their testimonies, Castelle said, and alleged a "concerted effort by someone on the prosecution team" to elicit "massive coordinated perjury."

Castelle further alleged that the prosecution had concocted the story against Beard in an attempt to convict a man they knew to be innocent.

Dolly took exception to Castelle's argument, pointing out that the defense attorney had no evidence of "a conspiracy on the part of the state." The prosecutor said that inference bordered on the insulting.

Lobban denied the motion, saying credibility of witnesses was for the jury to determine. "This is not a matter the court takes away from the jury," Lobban said.

The judge will instruct the jury Wednesday morning. Closing arguments are expected to conclude in the afternoon.

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ill; mistrial motion denied

concludes in Beard trial

murdering two women according to a Hillsboro man accused of murdering two women according to a Rainbow Family World Peace Gathering was completed on Friday of last week. After a long Memorial Day weekend, the trial of Jacob Wilson Beard resumed on Tuesday.

The trial was complicated Tuesday by the sudden illness of Prosecuting Attorney Walter Weiford early in the day. Weiford was taken to a Charleston hospital, reportedly with a lung infection. Stephen Dolly, who has been assisting Weiford, will complete the case for the state.

Tuesday also saw a motion by the defense for a mistrial. Senior Status Judge Charles Lobban denied the motion.

Beard, 54, is accused of the 1980 slayings of Nancy Santomero, 19, of Huntington, Long Island, New York, and Vicki Durian, 26, of Wellman, Iowa.

Santomero and Durian were found shot to death at close range by a high-powered weapon on Briery Knob, a remote section of southern Pocahontas County.

Beard's second trial was moved to Braxton County from Greenbrier County because of pre-trial publicity. The case was moved from Pocahontas County in 1993 because of public sentiment.

The Greenbrier County jury convicted Beard of two counts of murder in the first degree and recommended no mercy, meaning he had no possibility of parole.

In 1999, Lobban set aside the jury's verdict after a serial killer, Joseph Paul Franklin, confessed to the crimes under oath and Beard's former co-defendant, Arnold Cutlip filed an affidavit that potentially impeaches a key prosecution witness.

Beard has maintained his innocence since he was arrested in 1992.

Lobban will instruct the jury Wednesday morning and attorneys are expected to give closing arguments that afternoon.

The trial has lasted nine days and over three dozen witnesses have testified.

Tuesday, May 23

Eyewitnesses testify in Rainbow Murder Case

The prosecution presented its key witnesses Tuesday in the 20-year-old Rainbow Murder Case.

One of those witnesses said he saw Jacob Wilson Beard kill two young women on Briery Knob, a remote section of southern Pocahontas County.

Johnnie Washington Lewis, of Hillsboro, said on the witness stand he recalled hearing gun shots and seeing one girl fall and the other start running away from Beard. Beard shot the second girl then, Lewis testified.

"Did you see who shot her?" asked Prosecuting Attorney Walt Weiford.

"Jacob," replied Lewis.

Lewis said he believed Beard shot the women because he saw Beard's arm move at the same time he heard shots. Lewis testified he did not see a weapon because Beard's back was to him.

"Did you ever forget about what you'd seen?" Weiford asked.

"Tried to but I couldn't," Lewis said.

No one had to help him remember anything, he said.

The man testified he was seated in Arnold Cutlip's truck when he witnessed the murders. Lewis lived with Cutlip at the time.

He also placed Beard and former co-defendants Gerald Brown, Richard Fowler, Bill McCoy and Cutlip together at Droop Mountain Battlefield State Park as well as on Briery Knob in his testimony.

Lewis said after the murders occurred he and Cutlip went to Hillsboro to a beer joint. Lewis said he had only one beer, while Cutlip "got pretty well loaded."

He lived with Cutlip only two or three days after the murders occurred, Lewis said.

Lewis said he couldn't remember exactly when he told police he'd witnessed the murders.

But when he did tell police, Lewis testified that a "big" fellow shook his handcuffs at him and made him feel "nervous." Police did not tell him what to say about the murders, Lewis said.

Beard's defense attorney Stephen Farmer questioned Lewis extensively on his several statements to police, some of which reflect his being there when the murders occurred and some of which reflect a denial he was there.

"Sometimes you think you were there and sometimes you think you weren't there?" Farmer inquired.

"I think I was there," Lewis said.

Weiford later asked Lewis why he at times said he wasn't there.

"Scared, I reckon," he replied.

"Why did you change your story?" Weiford asked.

"Scared," Lewis said.

The prosecutor briefly addressed Arnold Cutlip's affidavit that says he was with Lewis all day on June 25, 1980, and they did not see Beard.

"If Arnie Cutlip claims not to have seen the killings, is that true?" Weiford asked.

"No," Lewis said.

"Why would he say something that wasn't true?" the prosecutor asked.

"I don't know," Lewis said.

"Would you change your story?"

"No."

"If you didn't see these girls killed, now is the time to say," Weiford told Lewis.

"I seen it."

The prosecution's other witness, Winters Charles Walton, said he recalled being on Briery Knob that day and placed Beard there with a weapon; however, Walton stopped short of saying he saw Beard shoot the two girls.

Walton said he was with Fowler and McCoy when they found out two Rainbow Girls were in Renicks Valley. Fowler drove to the area just south of the Pocahontas-Greenbrier county line and observed the women hitchhiking.

They picked up the girls, he said, and McCoy helped load their backpacks in the van.

From there they drove to Gerald Brown's trailer where McCoy made telephone calls to invite others to party. The girls left the van, he said, and McCoy and Fowler retrieved them.

The group went to Droop Mountain Battlefield State Park where they met Paulmer "Buddy" Adkison, Christine Cook and Beard. Brown followed them to the park, Walton said, and Cutlip came along later with Lewis.

Walton recounted later being on Briery Knob where the group drank, and all the men but Cutlip smoked marijuana. Fowler and McCoy wanted to have sex with the girls, Walton said.

Those advances were rejected, Walton testified, but McCoy and Fowler held the girls in the van. One fled from McCoy and asked him why they were doing this, he testified. Walton said he told the woman he didn't know.

McCoy and Fowler gave up on their pursuits, Walton testified, and left the van to "party."

Walton said he was seated in Fowler's van behind the driver's seat. He said he could see Beard coming down the hill with a rifle.

Then everyone jumped up in the van, Walton testified, he thought because of shots, but could not recall.

"I was pretty intoxicated by then," he said.

However, Walton said "there was a panic" and he remembered a girl run to the side door of the van.

"She was screaming, trying to get in," he testified. "She backed out."

The girl was not able to enter the van because the men inside were standing in her way, he believed.

"Do you know what happened after that?" Weiford asked.

"She was shot, I guess," Walton said.

Walton said he remembered a person in the floor of the van with a gun, but could not remember who it was.

While he recalled Fowler and two Dean brothers, Larry, and a brother whose name he could not remember, were in the van with him, he could not say whether Beard or McCoy killed the women.

"Was it Bill?" the prosecutor asked.

"I'm not sure," Walton said.

"Was it Jake Beard?"

"He was the one with the gun," Walton testified.

Walton said after the shooting he "blacked out from the shock" and the combination of liquor and marijuana.

"Were you scared?" Weiford asked.

"Yes."

Walton said he later remembered McCoy awakening him in the field above where the girls were murdered.

"He asked me what I did it for," Walton said. "I said 'what?' He said 'shoot them girls.'"

Walton said he told McCoy he didn't shoot the women, but suggested they report the deaths to the police. This suggestion angered McCoy, Walton testified, and McCoy "got mad."

McCoy hit him in the stomach and said, "We ain't goin' to the law," he testified.

Walton said he didn't recall seeing the bodies of the women.

Under intense cross-examination by Farmer, Walton said he was telling the truth when he told investigators he knew nothing of the murders and only recalled details when a "big" police officer picked him up at his workplace and threatened him, hit him in the face, bending his glasses, and told him he could be hit so nothing would show.

The officer took him into the back room of the Marlinton State Police Detachment. In there, Walton testified, the officer, identified as Sergeant Robert Estepp, shoved him from his chair and placed his foot on Walton's neck. Walton said he was "intimidated" by Estepp's actions, and subsequently gave police a statement about the murders, but maintained that Estepp had not told him what to say that day when Weiford questioned him again.

As Farmer pummeled Walton with questions about his memory of the day the murders occurred and when and how it grew, Walton repeatedly said he remembered picking up the women.

"You're not afraid of Mr. Beard, are you?" Farmer asked.

Walton eyed Beard for several moments before answering in the negative. He also said he did not fear Fowler and McCoy.

"Because you don't know who shot these girls," Farmer said.

"Not for sure," Walton replied.

"You'd be afraid of somebody you saw kill two people," Farmer stated.

Walton agreed he would.

Farmer took each of Walton's several statements and dissected them before the jury, pointing out some inconsistencies in details, but Walton agreed with Weiford that the gist of all the statements was the same after 1992.

Walton said he began to recall the murders in 1985 after a conversation with a co-worker at Denmar State Hospital. "I remembered we stopped and picked up two girls," he testified.

He dwelt on the memory, he said. "I pretty well thought of it every day," he testified. He started to remember more things, he testified.

But Walton did not go to the police with his recollections. "I was holding back," he testified. "I didn't want to get involved."

When lead investigator Robert Alkire questioned him in March, 1992, Walton said he provided Alkire with a list of people who were on Briery Knob that day, including Beard.

Walton also testified that he called Alkire on occasion because he "wanted to tell him about those two girls."

The prosecution rested its case Monday, but will call one witness out of order.

Senior Status Judge Charles Lobban denied a defense motion for a directed verdict of acquittal. Farmer told the court the prosecution's case was "guilt by association."

Lobban said the evidence was sufficient to go to the jury.

Wednesday, May 24

Jury hears serial killer's confession to Rainbow Murders

The jury in the Rainbow Murder Case heard the confession of a convicted serial killer Wednesday. Joseph Paul Franklin, 50, confessed that he killed the women because one of them said she dated black men and the other said she would go that if she had the chance.

"So I just decided to waste them at that time," Franklin said.

Defense attorneys representing Jacob Beard played the video deposition that lasted over two hours.

Franklin has periodically confessed to and then denied committing the murders. The self-proclaimed white supremacist is now on death row in Missouri for the murder of a man outside a synagogue. Beard has always maintained his innocence in the June 25, 1980, murders.

During the 1997 deposition Franklin said he picked up the women on an Interstate highway when he was headed west out of Virginia. He turned the conversation toward their feelings about blacks, he said, and had already planned to kill both women when they stopped at a convenience store where he purchased gasoline.

Franklin said he drove to a remote area 10-15 minutes from the convenience store when he turned off onto a small road surrounded by trees and pulled a gun on the women as he told them he was going to rape them.

Both women refused his advances, he said, and he realized trying further would be futile; however, Franklin testified the threat of rape was a ruse just to get the women out of his car.

Franklin said he was either standing outside the car or on his way out of the car when he shot the first woman, then he fired a wild shot at the one in the back, shot the first woman again, then "whirled around and shot, aimed more carefully with both hands at the second one and shot her in the head that time." Franklin said he was a few feet from the women at the time.

He first said he pulled the woman in front out the driver's side, but then agreed with defense attorney Brandon Simms that he pulled them out on the passenger side and left their bodies beside the dirt road.

Franklin said he fled the scene and drove out in the same direction he'd arrived. He met a car and averted his head so the driver wouldn't recognize

Ten new witnesses identified

Defense makes plea for assistance in Rainbow Murder Case

Defense counsel in the Rainbow Murder Case made a plea for assistance to Senior Status Judge Charles Lobban last Tuesday at the end of a three-and-a-half hour hearing held in Greenbrier County, saying that the addition of a public defender was critical to the case of Jacob Wilson Beard.

Miles Morgan, who represented Beard at the hearing, said he wanted the court to appoint one more attorney to the case.

Beard was convicted of the locally notorious Rainbow Murders in 1993 after a nearly three week trial. He was sentenced to two concurrent life sentences with no mercy; however, Lobban ordered a new trial for the man after a former co-defendant submitted a sworn affidavit which would potentially impeach a state's eyewitness.

The victims in the case, 19-year-old Nancy Santomero, of Huntington, Long Island, New York, and 26-year-old Vicki Durian, of Wellman, Iowa, were found shot to death at close range on Briery Knob on June 25, 1980.

The women were apparently traveling to a Rainbow Family Gathering.

Lobban granted Beard a new trial in January, citing newly discovered evidence in the form of a serial killer's confession and the affidavit of Beard's former co-defendant, Arnold Cutlip.

Tuesday's proceeding, a Kastigar hearing, was held to determine whether or not new evidence the state has in the case is tainted by the fact Beard has had an immunity agreement since February, 1983.

Beard entered the immunity agreement with then-Pocahontas County Prosecutor J. Steven Hunter, now a prominent Lewisburg attorney and spouse of current Lewisburg mayor, DeEtta King Hunter.

The West Virginia Supreme Court of Appeals ruled last year that Lobban was correct in his 1996 ruling that information Beard had provided to investigators was not self-incriminating and further that the lack of a Kastigar hearing prior to the 1993 trial was harmless error.

Lobban balked at the suggestion Beard needed additional counsel, noting that the former Hillsboro man had received a better than average defense.

"Mr. Beard has received a Class A defense all the way," Lobban said. "Maybe triple A."

"It's necessary to the defense. It's important to the defense," Morgan said. "It's integral to the defense."

"If I leave here today and I have failed this, I have failed my client."

Morgan said he wanted George Casteel, a public defender from Kanawha County, to assist him in the case.

Beard's long-time attorney, Stephen Farmer, was not present at the hearing.

In a half-joking manner, Prosecuting Attorney Walt Weiford made a similar request.

"Can you order the county commission to get me some help?" Weiford asked the judge.

"Do you need it?" Lobban said in a more serious tone.

"If you were asking for a private prosecutor to the high heavens they would be screaming—or at least I think they would," the judge said while indicating the defense.

Weiford turned down the offer, but said he would apprise the court if he needed assistance at a later date.

Lobban asked Weiford to respond to Morgan's request within a week.

The prosecutor made a request of his own, that to again depose convicted serial killer Joseph Paul Franklin, possibly by video conference.

Franklin gave a deposition in October, 1997, marking the first time he had given his on-again-off-again confession to the murders under oath.

Morgan said he did not have the authority to agree to another Franklin deposition. Farmer remains Beard's lead counsel.

Franklin is in a Missouri prison awaiting death by lethal injection after being convicted of the murder of a man outside a synagogue.

Morgan also asked to hire an investigative firm in Greenbrier County so that the defense could determine whether or not to ask for a change of venue.

Weiford, on the other hand, said the Greenbrier County Court House suited him. "I'm happy to try it here," he said.

But for the bulk of the hearing, former State Police Sergeant Robert Alkire was on the witness stand testifying about the state's new evidence and the trail that led investigators there.

Alkire testified that the state has 10 witnesses who have come forward with new evidence.

Among those former co-defendant Bill McCoy tops the list, followed by former co-defendant Gerald Lee Brown's son, Gerald Eugene, and fringe player, Paulmer Adkison.

McCoy and Gerald Lee Brown were indicted along with Beard in 1993. Gerald Lee Brown subsequently died. Adkison's presence on Briery Knob for a brief period on June 25, 1980, has been undisputed; however, the state never established that he was present during the murders.

Alkire did not pinpoint what evidence McCoy would proffer, but under cross-examination said that he had paid a clinic \$50 for McCoy's methadone treatment program for heroin users and wired another \$500 to him for his rent payment.

Alkire said he expected Gerald Eugene Brown to recount both what his father had told him about the murders and his own memory of June 25, 1980.

Adkison, Alkire testified, should be able to determine the whereabouts of "certain individuals" on the day of the murders, "probably not including Jacob Beard, but possibly."

The former State Police Sergeant testified that the state has new physical evidence in the form of ballistics tests performed with weapons belonging to Franklin.

None of the weapons was found to have a connection to the murders of Santomero and Durian; however, "one or two (other weapons) could not be eliminated," Alkire said.

And exactly which weapons could not be eliminated proved to be a surprise for Morgan when he elicited an unexpected answer from Alkire concerning those weapons.

"A .357 that Mr. Beard had," Alkire replied. "We couldn't exclude it."

Morgan also cross-examined Alkire on the finer points of the Kastigar issue and the new investigation.

Alkire said he had wanted four new investigators with the West Virginia State Police to come to their own conclusions and had thus adopted a hands-off policy when it came to their investigation.

"Staying out of the investigation had nothing to do with Mr. Beard or Kastigar," Alkire testified. "Staying out of the investigation was because of the controversy in the State Police."

The 1993 investigation was fraught with rancor in the State Police when Bureau of Criminal Investigations Corporal Michael Jordan sought to debunk Alkire's theory that Beard was the triggerman and place the blame on Franklin.

Jordan testified on Beard's behalf at the 1993 trial.

Alkire testified Tuesday that he had "looked at Franklin... extensively" during this investigation.

Lobban is keeping his eye on a February court date and ordered another hearing for early December with a pre-trial hearing scheduled for mid-January.

Beard, 53, remains free on bond.

Wesley Chapel United Methodist Church Hillsboro

Every Sunday
Sunday School—10 a.m.
Worship Service—11 a.m.
Every Wednesday
Choir Practice—6:45 p.m.
Bible Study—7:30 p.m.

Set Free Ministries
Mill Point
Worship Service—6 p.m.
Wednesday
Worship Service—6 p.m.



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POCAHONTAS COUNTY HIGH SCHOOL VALLEYBALL TEAM

Front row, l-r, Katie Smith, Alison Flegel, Malea Gum, Valarie McLaughlin, Tonya Waybright. Middle row, l-r, Jessica Dunbrack, Kirsten Heinemann, Rebecca Dilley, Natasha McMann. Back row, l-r, Coach Caroline Sharp, Relecca Stull, Jessica Rhea, Tina Fischl. Not pictured, Kisha Johnston.



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Carr places in Georgia Fiddle Contest

Levi Carr, of Huntersville, recently took second place in beginning fiddle competition at the Georgia Mountain Fall Festival in Hiwassee, Georgia.

Levi was visiting his grandfather and uncle, Everette and Monte Carr.

He received a \$50 check from the local Lions Club Association of Hiwassee.

He is the son of Terry and Connie Carr and has taken fiddle lessons from Pam Lund.

your fellow citizens,
every right to be proud

Please know that
very best wishes for
good health and happy

Ke
Commissioner of S

Tripp Participates Chilean Phase of Coast Guard Pet

Class Michael P. T
Joanne L. Harmon,
recently participated in
Phase of UNITAS which
month South America
aboard the U.S. Coast
Forward, home port
mouth, Virginia.

During the last
and fellow crewmen
participated in exercise C
This phase was designed
play exercises, or uns
warfare. U.S. Coast
Forward is one of five
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cises during the Chil
the 40th annual UN
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POCAHONTAS SOUTH UNDER 14 soccer team, "The Wizards." Front row, l-r, Lenna Walkup, Shannon Saffer, Clay Bell, Troy McLaughlin, Josh VanReenan, Derek Hanna, Joe Mosesso, Brandon Mace. Back row, l-r, Lucy Mosesso, Clay Condon, Thurston Willis, Cory Simmons, Wes Burks, John Mace, Jonathon Burns. Not pictured, Bobby Minghini.

Wizards soccer team has undefeated season

The Wizards, Pocahontas County's under-14 soccer team, had an undefeated season this year.

Made up of players from Snowshoe Mountain to Jacob Knob, the team had 17 players, which helped conserve resources during double headers and gave players a chance to try new positions.

Throughout the season, all games were well attended by supportive parents and friends.

Often starting out slow, the team would rally late in the game and manage to win, making for several edge-of-your-seat matches.

The players showed good sportsmanship at every game.

The Wizards faced another undefeated team Sunday, the Under-14 team from Millboro, Virginia.

In a hard-fought game, the Wizards trailed 1-0 for much of the time. Although the home team controlled the ball well and had more shots on goal throughout the

game, it was late in the fourth quarter before they found the back of the net.

And a few minutes later they scored again, making the final score 2-to-1.

Coach Mike Condon had lots of help, with his son, Matt, running several practices and occasionally Phil Rolleston conducting skill clinics.

"The players earned every win, working hard and playing well, and are to be commended for representing our area showing discipline and sportsmanship at practice and during games," Condon said.

Clay Bell, Wes Burks, Jonathon Burns, Clay Condon, Derek Hannah, Brandon Mace, John Mace, Troy McLaughlin, Bobby Minghini, Henry Minion, Joseph Mosesso, Lucia Mosesso, Shannon Saffer, Corey Simmons, Josh VanReenan, Lenna Walkup and Thurston Willis made up the team.

Gelis indicted on first degree murder charges

Roger Gelis, of Stony Bottom, was among the 14 people indicted Tuesday by the Pocahontas County grand jury, according to Prosecuting Attorney Walt Weiford.

Gelis, 56, is charged with the September murder of his live-in companion and business partner, Melba Hickson Fitzgerald, 41.

Fitzgerald's nude, decapitated body was discovered in a hand-dug well two days after what would have been her 42nd birthday.

Magistrate Bill Hevener found probable cause to have Gelis bound over to the grand jury last week in a preliminary hearing. Hevener made his ruling immediately after defense attorneys rested their case.

Hevener heard three witnesses during the morning-long hearing.

Sheriff Jerry Dale testified that according to the medical examiner's office in Morgantown, the preliminary cause of death has been determined to be a "cranial cerebral traumatic injury," a severe trauma to the head. Dale said the medical examiner also had determined Fitzgerald died as a result of a homicide.

Dale also testified that the medical examiner's report indicated Fitzgerald suffered a bullet wound at the back of her head.

Testimony from lead investigator Lieutenant Ronald R. Simmons indicated the principal pieces of evidence against Gelis are a note left on the well where Fitzgerald's body was found and a taped statement of Gelis' son, Alexander, 21, who has been charged as an accessory after the fact.

Simmons said he found a note on the well with an ominous warning: "Do not drink or use the water. Do not remove the tires," the note said. The lieutenant said the note explained that the tires were essential to the treatment of the water. The brief message was signed Rudolph Gelis, the defendant's son.

Gelis admitted he had written the warning note on the well, explaining that he had used his son's name because he is a chemist, Simmons said.

In addition, Simmons testified that an employee of Quality Farm and Fleet in Elkins contacted the

Family of slain woman impatient with medical examiner's pace

In the midst of dealing with her murder and the grisly circumstances of her death, Melba Hickson Fitzgerald's family has one more sad fact they cannot avoid.

Although Fitzgerald's body was found nearly three months ago, it has not been returned from the medical examiner's office in Morgantown, nor has the medical examiner filed a final report on the death.

"We call two-to-four times a week," said Fitzgerald's sister Kathy Hickson. "They keep saying they're backed up."

Hickson said her family not only wanted to hold a funeral for their slain mother and sister, they wanted to have some closure before beginning the journey through the judicial process. And they want a final medical report so they know the truth about Fitzgerald's death, she said.

"With all the gossip and everybody telling gruesome stories, we want the report so we can set our minds at ease," she commented.

Fitzgerald's nude, decapitated body was found September 11 in a hand-dug well near Dunmore.

According to Prosecuting At-

torney Walt Weiford local law enforcement has tried to keep up the pressure on the medical examiner's office, as well.

"I've made a number of inquiries, including going to Charleston and speaking with the state medical examiner," Weiford said. "The Sheriff's Department has called at least half-a-dozen times."

Weiford said he has been told the delay is due in part to the volume of cases the medical examiner has to deal with and due in part to the complexity of the autopsy.

"It's taking some time," he said. "But we are literally not in control of that and we've urged and tried to use influences."

"We are waiting."

The waiting.

The waiting is what consumes Fitzgerald's family, who plans to continue calling the medical examiner's office, continue inquiring, continue searching for answers.

"After three months that's not undue pressure," Hickson said.

State medical examiner Jack Frost did not return a telephone message left at his office.

at a house near the Intersection asleep when his father called and ordered him to "get Melba's car and drive to Clarksburg."

Alexander Gelis said he parked the car in a large parking lot near Clarksburg, left the keys in the ashtray and returned to Pocahontas County.

He said he and his father had general conversation, except for one inquiry into the purpose of the trip.

"I asked what was going on. I was told I didn't need to know anything else," he said.

According to Alexander Gelis, he and his father returned to Clarksburg that evening and moved the car a second time when, Roger Gelis moved Fitzgerald's car to a service station parking lot.

Alexander Gelis said the next morning his father told him he needed help and the pair loaded into the back of the pickup truck "rolled up carpet" that was wrapped several times with coaxial cable.

"I had an idea it might be a body," Alexander Gelis said. "I thought if it was a body, it was probably Melba."

Alexander Gelis said he was instructed to go inside the house. His father returned several hours later, he said.

"I never asked what was in the carpet," Alexander Gelis said. "I had the feeling I wouldn't have been answered."

The only firearm in the house belonged to him, Alexander Gelis said—a Chinese Mac-9, similar to an AK-47, a semi-automatic assault rifle.

Gelis sat motionless and expressionless during the hearing, even when handed pictures of Fitzgerald's body.

Defense attorneys Eugene Simmons and R. David Arrington called only one witness, Barbara Tallman, an employee of The Intersection.

Tallman said she, along with her husband, Eddie, and friend, Trish Cassell, found Fitzgerald's body after a psychic board told them where to look.

"We went to the A-frame because the psychic board told us to go there," she said. "It said to check the A-frame and take water."

Tallman said the trio thought Fitzgerald might be tied up in that house near Dunmore; however, when they arrived, they did not attempt to go inside, she said.

The preliminary hearing was held in the circuit court room instead of the tiny former closet used now for magistrate court hearings. Approximately 25 people sat in the audience to hear the state's evidence against Gelis. Those spectators were "frisked" with a metal detector before entering the courtroom which had previously been searched by sheriff's deputies.

Gelis will be arraigned this week. He remains in the Southern Regional Jail without bond.

Defense files change of venue motion in Rainbow Murder Case

Defense attorneys finally addressed a change of venue motion in the Rainbow Murder Case last Wednesday, filing with the court a poll of potential jurors in Greenbrier and Pocahontas counties.

Senior Status Judge Charles Lobban did not rule on the motion which would move the second trial of Jacob Wilson Beard out of the Eleventh Judicial Circuit.

"The state has the right to produce witnesses," Lobban told defense attorney J. Miles Morgan. "The burden (of proof) is that there is a hostile sentiment here today and that he couldn't get a fair trial in Greenbrier County."

Lobban had asked the defense to notify him of any change of venue motion in October.

Morgan's motion was accompanied by a sampling of Greenbrier and Pocahontas County residents about their familiarity with the case. Morgan said the defense's investigators had also sampled Kanawha County residents for comparison.

Morgan has been on Beard's defense team since 1993, after the first trial, and has been the defendant's lone attorney at the past two hearings in the absence of lead defense attorney, Stephen Farmer.

Prosecuting Attorney Walt Weiford did not say whether or not he would oppose the motion since,

he, too, received the motion and the poll only moments before the hearing.

Should the current motion for change of venue be granted, the West Virginia Supreme Court of Appeals will decide where the trial will be held.

Beard's 1993 conviction of the 1980 murders of Nancy Santoro, of Huntington, Long Island, New York, and Vicki Durian, of Wellman, Iowa, was overturned in January after a convicted serial killer confessed to the crimes under oath and Beard's former co-defendant filed an affidavit which apparently impeached a state's eyewitness.

Lobban periodically expounded on that pair during the course of the hearing, saying that without Arnold Cutlip, whose affidavit says he was with state's eyewitness Johnnie Washington Lewis on June 25, 1980, and didn't see the murders occur, it is "highly questionable whether the court would have granted a new trial."

Franklin, Lobban said, was not credible on his own.

The judge further questioned Cutlip's motivation in coming forward with that statement six-and-a-half years after Beard went to prison.

"He sat right here on the front row," the judge said. "Why didn't he say something then?"

Lobban said Cutlip's statement was "highly questionable in and of itself."

Lobban ruled against various other defense motions, many of which mirrored Beard's 1993 pretrial motions. The judge's rulings generally mirrored the 1993 record, as well as he summarily denied defense motions seeking to overturn Beard's indictment for reasons of pre-indictment delay, the hypnosis of witnesses, the competence of the state's eyewitnesses and prosecutorial misconduct.

However, Lobban did defer ruling on a motion to remove lead investigator and former West Virginia State Police Sergeant Robert Alkire from the case. Morgan made the motion based on Beard's 1983 immunity agreement.

Under the federal Kastigar rule, information defendants have provided the state cannot be used in either the investigation or prosecution of their cases once an immunity agreement is signed.

"(Alkire) should not be allowed to participate in this case," Morgan said. The state reinvestigated the case with "conscious disregard for (Beard's) Fifth Amendment rights," Morgan asserted.

Lobban said he would rule on Alkire's further involvement in the case after a further reading of the Supreme Court's 1998 decision on

Kastigar.

The judge will also postpone ruling on Weiford's motion to re-depose convicted serial killer Joseph Paul Franklin, who has made on-again-off-again confessions to the murders of Santoro and Durian. Franklin made his last confession under oath in a 1997 deposition.

Morgan said the defense was not amenable to the idea of a second Franklin deposition.

"We object in the most strenuous of terms," Morgan said. "Bring him here. Let a jury look at him."

Snowshoe ranks first in Mid-Atlantic

Three of West Virginia's ski resorts were ranked among the best in the Mid-Atlantic in the December 1999 issue of Recreation News, the official publication of the Washington D.C. Chapter of the National Employee Services and Recreation Association.

Snowshoe Mountain in Pocahontas County was ranked first among Mid-Atlantic resorts for its snow conditions and season length. The publication also names Snowshoe's ski lift system the best, saying, "the resort constantly upgrades to provide faster and more efficient service."

Snowshoe's Upper/Lower Ballhooter is the fourth best intermediate run and its Shay's Revenge the fifth best challenging trail, according to the article. Cub Run at

"There are no grounds for the very odd procedure," he said.

Neither the prosecutor nor the judge found that suggestion acceptable.

"He's on death row," Weiford said. "Missouri is not going to allow us to bring him here."

Lobban expressed concern over bringing Franklin, who has been deemed a considerable escape risk, to West Virginia to testify.

"I don't want to have the worry of him," the judge said.

Lobban said he would not force

the state to bring Franklin here to testify.

"The state should be made to do that or rely on the video deposition," Morgan maintained.


Lobban asked Weiford to research the issue as to whether or not the prosecution has the authority to depose a witness rather than compel trial testimony.

Morgan said he would also research the issue.

The next hearing in the matter will be held January 10.

Beard remains free on bond.

December 15, 1791:
the U.S. Bill of Rights
goes into effect.

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ake Christmas merry for many folks

Johnnie and Madeline Hill are a tribute to the passage of time.

Although at 87 and 84, respectively, they have slowed a little, aged a little, seasoned a little, they are yet a gracious reminder of perhaps simpler Pocahontas County times.

Johnnie was born in 1912 in the house where he still lives. And the house shows its age, not in wrinkles of time, but in the accumulation of a lifetime.

Johnnie Hill has easily worn many hats in his own lifetime, that of father, husband, churchgoer, farmer, insurance salesman, ceramist, storyteller and most historically important, perhaps, collector.

His collected artifacts include an iron ball from Moundsville which belonged to the 1920s robber of the Bank of Renick, paintings by former Droop Mountain Battlefield State Park Superintendent Bill Davis, hundreds of books, a sculpture of him creating pottery made by Marie Lanek, pictures—lots of grandchildren these days—and his wonderful stories. He donated a drum from the Battle of Droop Mountain to the state park a few years back.

His Christmas stories are spare, but his reminiscences are rich.

"Santa came to see us, but we didn't put out stockings," he said. "We put out our caps beside the bed."

And their caps were filled with some little toy or a pocket knife by morning, he remembered. And the Hill tradition included a trip to

in Jacox, three miles away, to purchase a quarter's worth of firecrackers to celebrate the day.

"Christmas then was peaceful," he said. "Except for the firecrackers."

He met his bride-to-be at the Marlinton Methodist Church in 1940. Five years later he married Madeline Shafer, a Greenbrier County schoolteacher.

With the birth of daughters Phyllis and Linda, Christmas traditions changed.

Phyllis and Linda helped find Christmas trees on the farm and Linda hung Christmas cards on the sitting room wall.

But always through the years, Christmas dinner has been the event of the day.

"We have turkey and oysters," he said. "The dressing is my favorite."

And Madeline makes cakes, applesauce, angel food for the season.

When he was younger the house was full of aunts, uncles and cousins, later with brother, in-laws, and nieces, now with children, grandchildren and neighbors.

To celebrate those get-togethers, Madeline stitched a tablecloth, every other square a solid red or green and each year the season's guests autograph the tablecloth. Then Madeline carefully embroiders those names in white or gold on the squares as she has since 1985.

Some of those guests no longer live close by and some are no longer living. Children's handwriting

has evolved from callow scrawl into neat cursive. So the tablecloth is a lasting remembrance of the affection the Hills have for their family and community and how those folks return that affection to the Hills.

The ebb and flow of visitors to the Hill house is also recorded in a guest book on the hall tree near the entrance.

Madeline has her own treasures to share. Santa Claus once brought her a straw-stuffed doll with a porcelain face, which she still has. She named the doll Ina after her best friend and neighbor, Ina McMillion, now Ina Montgomery, who later moved to Pocahontas County to teach.

The Ina doll shows years of childhood adoration, its face scarred, its body stitched and repaired.

The Hills live on the Lobelia Road, on a farm remote enough that a passing car can attract attention. Yet, they have been visited by numerous folks from around the state, around the country and even around the world, as their relatives and friends bring new acquaintances to the cozy farmhouse.

Those visitors not only get a helping of Hill hospitality, but they might get a peek at the clay bank that supplied Pocahontas Ceramics for nearly 40 years. If they're lucky, they might get a look at Johnnie's creations.

He fires the pitchers and vases and frogs in a small kiln he now has in a corner room in the house.

Some blue, some natural clay,

all his ceramics are homespun collectibles.

Johnnie sold his ceramics at the State Fair of West Virginia for over 10 years.

He has the distinction of being the "Father of Pioneer Days," the annual summer celebration of Pocahontas County's heritage.

The Hills have been the subject of articles in Goldenseal and Grit, The Herald-Dispatch in Huntington and even The Pocahontas Times over the years.

This year's Pride in West Virginia calendar pictures Johnnie and Madeline on their front porch a few years back. They can't remember what year the picture was taken, but they do remember the photographer, Chris Wyrostock.

It's easy to see why people are naturally drawn to the Hills. With Johnnie's easygoing manner and Madeline's beatific glow, they are natural hosts, a natural pair, without pretense and without presumption.

And although the only Christmas decoration they have yet this year is a cluster of pine and holly with a red bow on their entrance gate, the heart of Christmas is more than apparent in their kind manner, their kinder words.

"I don't know of anybody I have anything against," Johnnie said.

It's a Christmas spirit we should all aim for.



JOHNNIE AND MADELINE Hill show the handsewn tablecloth their Christmas season guests sign each year.



PEARL CARTER WARD is 101 1/2 years of age and is Pocahontas County's oldest school teacher.

Our oldest teacher

Georgia Pearl Carter Ward celebrated her 101st birthday last June at Pocahontas Memorial Hospital, where she makes her home in the Respite Care Center.

Pearl was born June 14, 1899, so come January 1 she will have lived during three centuries. Born in Marlinton, she was the daughter of Marvin and Levia Jane Gibson Carter. The Carters lived on the Gibson farm just north of Marlinton above the old Fair Grounds, (now owned by David Newman), for the first years of their marriage and then moved into town, where he owned and managed the Valley Hotel, located across from the Marlinton Depot. The hotel stood where the Perry business is now located, the former Davis apartment building. He sold the hotel in 1904 and turned to full time carpenter work and farming. Mr. Carter completed the house begun by Cal Gay, photographer, at the west end of the bridge, above and to the south of the location of the Little General Store. This large home with 98 steps leading from Route 219 was a landmark for years; it was destroyed following a fire in 1978. While he managed the farm north of Marlinton, he lived in town so his children might have the advantage of school, which he did not have. In 1940, the family moved to the house formerly owned by the late Uriah Bird and still owned by Pearl, across from the Uptown Pennzoil Station. Pearl had a brother, Charles Clark (Nick) Carter, born in 1904, who died in

1954.

Pearl entered private school taught by Mrs. Grace Price in her home on Seneca Trail Rt. 219, entering Marlinton Graded School for the second grade. She was graduated valedictorian from Edray District High School in May 1917, one of the two first graduates. Granted an Emergency First Class

Teaching Certificate, she entered the teaching profession in October, during World War I. She devoted 48 years to teaching in Pocahontas and Greenbrier Counties and continued to serve as a substitute teacher for several years. She helped start the hot lunch program while she was a teacher at Campbelltown school.

She was active and served in various positions in local and state associations. She received her AB degree, magna cum laude, from David and Elkins College in 1952. She is a life member of National Education Association and West Virginia Retired School Employees. She was a member of Alpha Phi State Delta Kappa Gamma, AAUW, and Order of Eastern Star #97. From early childhood she attended the Marlinton Presbyterian Church, became a member, and remained active in the work of the church throughout the years. She was married to John Madison "Red" Ward, native of Havre-de-Grace, Maryland, a veteran of World War I, who is deceased.

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Trip to Florida in 1925

Si Sharp, of Cincinnati, sent in the following article from the March 26, 1925, issue of the *Times*, written by L. D. Sharp on a trip to Florida.

Mr. Sharp wrote that he was almost nine when he went to Florida with his parents that year. Also on the trip were Sam Gibson and his son Henry.

FROM FLORIDA

We have taken our east coast tour, and on arrival back to our home in Orlando, will give you a part of our experience. The first day we went through Cocoa City, Indian River City and several small towns and reached Melbourne City at about the right time to pitch our tent. We were directed to the tourist camp and found it to be the best camp we have seen on the east coast. And as my son and I are fond of fishing we enquired where we could go fishing that night and were told that the best place to fish in all the country was off the Indian River bridge. The bridge is two miles long. We got flashlights, hooks and lines and pulled out for the fish market to get shrimp for bait and found that they did not have any, so we went to the grocery and bought some meat rind. When we got to the bridge and were telling the fishermen about our bad luck in not being able to get shrimp. They said "you did not need any bait, we are all fishing with a small piece of white rag." I thought they were kidding me, but soon saw that they were actually catching them thick and fast with the white rag and hook. One man had a small piece of oil cloth on his hook and they used it just as we use an artificial fly in West Virginia. We had heavy sinkers on our lines and continued to fish with the meat rind until my son caught a trout, and took one of its gills and in a short time we caught all we could eat for breakfast. I never saw so many fish caught in so short a time in all my life. Some had fifty or more nice trout, and there must have been 200 people fishing and all were catching fish. One man told me that he had caught 700 trout the night before on a hook that was run through a piece of his white handkerchief. Ask Dick Smith if he can beat that man's fish story.

The next day we pulled straight ahead for Palm Beach and we reached the ocean in time to go out on the great long pier and catch a mess of fish for breakfast. Then we drove around among the beautiful palm trees and flowers and looked at all (the) beautiful scenery on Palm Beach. Then we drove over to West Palm Beach to the tourist's camp, and instead of finding the camp among the fine coconut and palm trees we found it located where there were but few shade trees, and the tourists were not very well pleased with the camp, but we made it all right.

The next day we drove down to Hollywood and pitched our tent to camp over Sunday. This city has been building only four years and there is no city in Florida building much faster. They have a \$125,000 railroad station, a large bank, several apartment houses, a few large hotels, and they are

getting ready to build a 2000 room hotel and hundreds of dwelling houses have been built in that short time. They are now making artificial lakes. They think the northern people like lakes, so they are spending many thousands of dollars making them. The main street must be over 100 feet wide and the city runs out to the ocean front. In a few years Hollywood will be one of the big cities on the map.

As it is only eighteen miles to Miami, we decided to run down to be in William Jennings Bryan's Sunday school class. We were told that he teaches the largest men's class in the United States - 5000 men. He teaches his class out in the Miami Park. But owing to being held back by the traffic we did not get to the park until he had closed, we thought we would go to the first church we could find for preaching, which was a Presbyterian church. After preaching I was told that Mr. Bryan and his wife were in the congregation, so I hunted him up and had a short talk with him on prohibition, and, while we differ in politics, we are together on prohibition. Mrs. Bryan has to be wheeled about in a chair. She is unable to raise her hands. Mr. Bryan said she was not paralyzed but it was worse than being paralyzed as she suffered such great pain. She has been helpless for six years. They live in a fine mansion in Miami but of course Mrs. Bryan cannot enjoy it, so the poorest person with good health has the greatest blessing. Let us be thankful for our health while we have it.

Sunday afternoon we drove a distance of probably five miles across (the) bridge to the Miami Beach. We could hardly get there and we could hardly get back. There were many thousands of cars going over and coming back and we could hardly get in bathing. We drove out to Coral Gables (sic) where so many rich men are spending their money on lots and fine buildings. It is no place for a poor man. Miami is getting pretty well up with Chicago for crime. We found some tourists who were afraid to go to Miami on account of so much robbing and so many murders in the last year. That was one reason why Sharp camped outside of Miami.

We took another shoot out from Miami and went down the east

coast as far as the road is cut out. The first city of any size below Miami was Homestead. We went on below Florida City along way down until we found no more road. There is a vast rich country and there are thousands of acres of tomatoes, and as the old saying is "I never saw tomatoes before." I did not see anybody but negroes living between these cities, and the negroes had many boxes of tomatoes along the road to sell to tourists. We bought the finest tomatoes I ever saw for two cents per pound; that was all they asked for them. There are many tomato packing houses and the packers no doubt are buying tomatoes from the negroes for a song and they are shipping them up north and making a fortune on them.

Florida is not considered much for corn, but I never saw better corn grow any place than in one section down near the jumping off place. The corn looked to be much higher than a man's head - probably ten or twelve feet high - and such a dark green color that the land must be very rich.

We went out to a Seminole Indian village. There were about fifty Indians here. Some of them work in the packing house. We parked our car by the roadside and walked out to the Indian camps among the jungles, and when I saw the Indians sitting flat on the ground in squads and looking so strange at us, it very near got my nerve. I tried to get them to talk, but they would only say yes and no. They were cooking out on the ground and we could tell the meat they were cooking was more than ripe - anyway we did not stay for dinner. The children about six years old and under had no clothes on. The Indians were all barefooted but the older ones had on clothes of many colors. While we were at this village a very large swarm of bees passed over us and looked as if they were going to settle on a pine tree, but they slowly moved on. I suppose the Indians have plenty of honey to eat. It looks bad that our government does not educate the Seminoles. I am told they are getting fewer all the time.

The State is building a new road on farther south but over in the state from the road that we followed to the end.

On our way back up we broke the drive shaft on our Chevrolet car

and it took us half a day to get going, and while we were driving after night to make up lost time, at about ten o'clock as we were driving through a jungle section we saw three alligators cross the road in front of us. About an hour later while we were a long way from any town, three men were standing by the road; one of them stepped out in the road and waved us to stop and kept on waving - we could see him from the light of the car. Not a word was spoken in our car, but my son had presence of mind and threw on all the gas he could. We were going at about 25 miles an hour, and we must have passed by them at 35 miles or more per hour. We don't know what their business was; they had no broken down car there, and as there had been so many people held up and robbed around Miami, I believe they were robbers, but they had no way to stop us unless they killed the driver, and we went so fast that it would have taken a Jesse James to have gotten him.

We drove on our tour down and back to Orlando about eight hundred miles. We found everything all right in our bungalow, and we are renting our property and getting ready to start back to West Virginia in a few days. We are getting anxious to see our old friends. James White wrote us he would stop to see us on his way home but I suppose he lost directions and could not find us. We hope he reached home safely.

We expect to stop off with our daughter at Richmond for one day and will run over to Baltimore and make a short call at Washington, probably one day, then we will proceed homeward. The tourists are going north very fast, - so much you cannot get a Pullman without engaging it a few weeks ahead.

L. D. Sharp

Si Sharp writes that there were no motels at that time. There were hotels in the cities and lots of

campgrounds.

"All ordinary tourists had tents. When you drove up to a campground they asked you the size of your tent. If it was a 10x12, they'd direct you to a section that had six inch deep ditches around a 10x12 site. The ditches were to keep you dry if it rained.

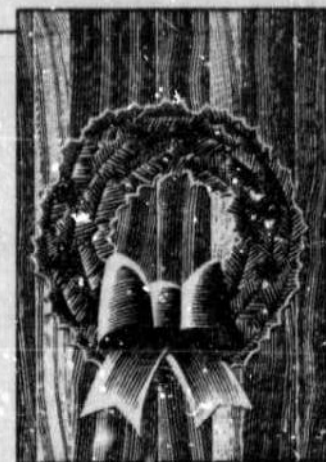
"You removed your tent, etc., from behind a scissor-like rack on the running boards. One or two Army folding cots for adults and children slept on the ground on a blanket. Cooked on a folding gasoline stove, which we still have. An oil lantern for light.

"Gasoline 20 cents a gallon. No road maps no road signs! Stop and ask farmer which road to take at a fork of a road. Almost all roads were dirt."

"On the way home we stopped at Staunton, Virginia, and couldn't find a tourist camp, but were allowed to sleep in an old brick building on the main street. I remember there were paintings on the ceiling that were done by Confederate soldiers during the Civil War. I've often wondered if the paintings are still there."

Mr. Sharp reported on problems the travelers had once they got back into Pocahontas County. At Frost the road was so deeply rutted and muddy a farmer had a team of horses to pull them and others through the mud. They drove on to Cass and had to leave

the car there because of snow. West Virginia Pulp and Paper Company Superintendent E. P. Shafer had Charles Galford take the group to Slaty Fork in a railroad motorcar, with a lantern for heat.



MAY YOUR HOLIDAYS MEASURE UP!

Christmas is starting to take shape, and we'd like to wish all of our loyal employees, friends, and customers the happiest holidays ever.

Thanks for being part of our lives this year.

Inter-State Hardwoods
Rt 250/92, Bartow



Yuletide Greetings

May you enjoy the simple pleasures of the season like love, light and laughter.

Wishing you and yours the best holiday ever!

A.R.C. Glass
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Marlinton
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Warm Christmas Wishes

Wishing you the happiest of holiday celebrations.
Thanks for being one of our pet customers.

NAPA Quality Auto Supply
Marlinton and Bartow

Warm Holiday Thoughts

Here's to the warmth and love of family and friends to spend the holidays with.

With much appreciation for your support and friendship.

A Second Look Consignment Shop

Debbie Simmons, owner

Main Street, Marlinton

Century—Year by Year

on hurricane and
perished. Carrie
crusader, began
National Ladies'
Garment Workers Union founded.
Paper clip invented.
1901 - President McKinley was
shot Sept. 6 in Buffalo, New York;
he died Sept. 14. Theodore
Roosevelt became president.
1902 - "Teddy Bears" introduced.
1903 - Panama Canal treaty;
first successful airplane flight by
Wright Brothers. First disposable
razors.
1904 - Theodore Roosevelt
elected to full term as president.
Offset printing first developed.
1905 - First Rotary Club.
1906 - San Francisco earthquake
and fire. Dial telephone.
1907 - Financial panic and
depression. Oklahoma admitted as
state. First round-world cruise of
U. S. "Great White Fleet" (G. D.
McNeill, of Buckeye, sailed in this
group.)
1908 - Henry Ford introduced
Model T, \$850. William Howard
Taft elected president. First paper
clip.
1909 - Perry reached North Pole.
1910 - Boy Scouts of America
founded. First wireless message
between land and air.
1911 - First transcontinental
airplane flight (with stops).
1912 - American Girl Guides
founded, changed to Girl Scouts.
Arizona and New Mexico admitted
as states. Woodrow Wilson elected
president. Titanic sank.
1913 - Federal Reserve System.
Ford introduced assembly line.
1914 - Panama Canal opened.
Typewriter invented.
1915 - First transcontinental
telephone call from New York to
San Francisco. Lusitania, the
world's largest ship in 1907, was
sunk by Germans.
1916 - U. S. bought Virgin
Islands. Jeannette Rankin first
female in House of Representatives.
Woodrow Wilson re-elected
president. First radio news report.
1917 - Germany officially
declared war April 6.
1918 - More than million
American troops in Europe by July;
War ended with armistice November
11. Flu epidemic killed twenty
million worldwide, 538,000 in U.
S. First airmail.
1919 - First trans-Atlantic
flight. Prohibition amendment.
1920 - 19th Amendment
ratified, giving women right to
vote. Warren G. Harding elected
president.
1921 - Peace treaties signed.
Ku Klux Klan active. First Miss
America Pageant.
1922 - Reader's Digest founded.
1923 - First sound-on-film
motion picture. First frozen food.
President Harding became ill while
returning from visit to Alaska, died
Aug. 2; Coolidge succeeded him as
president.
1924 - Coolidge elected
president. Law makes all Indians
citizens. First disposable paper
handkerchiefs.
1926 - First liquid-fuel rocket.
Army Air Corps established.
Book-of-the-Month Club.
1927 - Lindbergh's first non-
stop flight New York to Paris in
Spirit of St. Louis.
1928 - Amelia Earhart first
woman to fly Atlantic. Herbert
Hoover elected president. Penicillin
discovered.
1929 - Stock market crash.
Depression began. In Pocahontas
County, Droop Mountain
Battlefield State Park dedicated, first
state park in West Virginia.
1931 - Empire State building
opens. Al Capone convicted of tax
evasion. Pearl Buck published *The
Good Earth*.
1932 - Reconstruction Finance
Corp. established to stimulate
banking and business. Charles
Lindbergh, Jr., kidnapped and found
dead. Bonus March by veterans.
Franklin D. Roosevelt elected
president.
1933 - Frances Perkins first
woman in U. S. Cabinet. Banks
closed March 6. Congress passed
New Deal measures. CCC
established. TVA created. Gold
standard ended. Prohibition ended.
1935 - Works Progress
Administration and Rural
Electrification Administration
created. Will Rogers and Wiley
Post killed in plane crash in
Alaska. Social Security Act. Huey
Long assassinated. CIO formed.
1936 - FDR re-elected president.
1937 - Joe Louis heavyweight
champ. Amelia Earhart and co-
pilot lost in Pacific. *Snow White
and Seven Dwarfs* first full-length
cartoon.
1938 - Minimum wage
established. Orson Welles radio

"invasion." Nylon by duPont.
1939 - Limited National
emergency.
1940 - First peacetime draft.
FDR elected president for third
term. First MacDonald's.
1941 - Four Freedoms speech
by Roosevelt. Lend-Lease to
Britain and Russia. U. S. occupied
Iceland. Atlantic Charter by
Roosevelt and Churchill. Japan
attacked Pearl Harbor Dec. 7. U. S.
declared war on Japan, Germany and
Italy. Battle of Midway in June
was Japan's first major defeat. U.
S. and Britain invaded North Africa
Nov. 8. First nuclear chain
reaction.
1942 - Women's military
service established.
1943 - U. S. and Britain invaded
Sicily July 9, Italian mainland
Sept. 3.
1944 - Normandy Invasion June
6; landing in Philippines Oct. 20;
Battle of Bulge in December.
1945 - Yalta Conference Feb. to
occupy Germany, and Russia to
enter war against Japan. Marines
landed Iwo Jima Feb. 1, Okinawa
April 1. Roosevelt died April 12;
Truman became president.
Germany surrendered May 7. First
atomic bomb on Hiroshima Aug.
6. Japanese surrendered Sept. 2. U.
S. forces entered Korea Sept. 8.
1946 - Philippines given
independence on July 4.
1947 - Truman doctrine.
Marshall Plan for aid to European
countries approved. Chuck Yeager
first to break sound barrier.
1948 - Airlift to Berlin. Alger
Hiss convicted as spy. Truman re-
elected. Transistor developed.
1949 - NATO established.
1950 - H-bomb production
authorized. North Korea invaded
South Korea. U. S. Air Force and
troops to Korea. Advisors sent to
South Vietnam.
1951 - Estes Kefauver famous
investigation of organized crime.
Transcontinental television started.
Japanese peace treaty signed.
1952 - Dwight D. Eisenhower
elected president. Salk polio
vaccine.
1953 - Korean War armistice
July 27.
1954 - Nautilus, first atomic-
powered submarine. Five members
of Congress wounded by Puerto
Rican independence supporters who
fired from gallery. McCarthy
hearings televised and his
subsequent citation of contempt
Racial segregation in schools ruled
unconstitutional. SEATO treaty
signed.
1955 - Rose Parks refused to
give up seat on bus in Birmingham.
1956 - First trans-Atlantic
telephone cable. Eisenhower re-
elected president. Elvis Presley
singing star.
1957 - First civil rights bill to
protect voting rights. Troops sent
to Little Rock to enforce court order
to allow black student to enter
school. Ford brings out Edsel. In
Pocahontas, National Radio
Astronomy comes to Green Bank.
1958 - First U. S. earth satellite
went into orbit. First domestic jet
airline passenger service. Hula-
hoops.
1959 - Alaska admitted as 49th
state Jan. 3; Hawaii admitted as
50th Aug. 21. St. Lawrence
Seaway opened. Xerox copier.
1960 - Pilot Gary Powers shot
down over Soviet Union. Kennedy
defeated Nixon for presidency.
Mini-computer.
1961 - Cuba's Bay of Pigs
invasion to overthrow Castro
unsuccessful. Peace Corps created.
Alan Shepard rocketed from Cape
Canaveral. Freedom Riders' protest
against segregation.
1962 - John H. Glenn first
American in orbit, circling earth
three times. Soviet build-up in
Cuba, quarantine on shipment of
equipment to island; Khrushchev/
Kennedy agreement ended crisis.
1963 - U. of Alabama
desegregated. Required recitation of
Lord's Prayer or Bible verses in
public schools declared
unconstitutional. Martin Luther
King's "I have a dream" speech.
President Kennedy fatally shot in
Dallas; Lyndon Johnson becomes
president. In Pocahontas, Cass
Scenic Railroad dedicated.
1964 - Medicare established.
Tonkin Gulf Resolution,
authorizing action in Vietnam.
"War on Poverty" with VISTA and
Job Corps. Johnson elected to full
term as president.
1965 - Bombing of North
Vietnam. Troops sent to
Dominican Republic. March from
Selma to Montgomery. Watts riot.
1966 - Bombing of Hanoi.
1967 - 25th Amendment for
presidential succession ratified.
USS Liberty, an intelligence ship,

torpedoed by Israel. Thurgood
Marshall, first black U. S. Supreme
Court Justice. First Super Bowl.
1968 - Bombing ended in
North Vietnam; peace talks; all
bombing stopped. Martin Luther
King assassinated April 4. Senator
Robert Kennedy shot June 5 in Los
Angeles, died June 6. Richard
Nixon elected president, defeating
Hubert Humphrey. Rep. Shirley
Chisholm became first black
woman elected to Congress.
1969 - Vietnam peacetales,
with troop withdrawal in July. Neil
Armstrong first person to set foot
on moon, July 20.
1970 - Kent State protest.
First two women generals.
1971 - Nixon visits China.
North Vietnamese attack and
bombing resumed. Nixon visited
Russia. Watergate. Nixon reelected
over McGovern. Dow Jones closed
above 1,000 for first time Nov. 14.
1973 - Vietnam peace pacts,
troops left March 29. Vice
President Spiro Agnew resigned on
charge of tax evasion and Gerald
Ford appointed vice president.
1974 - Nixon impeachment
hearings; Nixon resigned August 9.
Ford sworn in as president August
9. Nixon pardoned.
1975 - Mitchell, Haldeman and
Ehrlichman found guilty of
Watergate cover-up.
1976 - U. S. celebrated 200th
anniversary of independence.
"Legionnaire's disease" killed 29
people in Philadelphia. Viking I
and II landed on Mars. Jimmy
Carter elected president.
1977 - Energy Department
created. Alaska pipeline opened.
1978 - Voted to turn over Panama
Canal in 1999.
1979 - Three Mile Island melt-
down. Hostages taken in Tehran,
Iran.
1980 - Economic sanctions
against Russia in retaliation for
invasion of Afghanistan. U. S.
Olympic Committee voted not to
participate in Moscow. Mt. St.
Helens erupted May 18. Ronald
Reagan elected 40th president over
Carter. Former Beatle John Lennon
shot and killed.
1981 - Iran hostages released.
President Reagan shot and seriously
wounded but recovered. Space
shuttle Columbia sent into space.
Sandra Day O'Connor first woman
on Supreme Court.
1982 - Dr. Barney Clark
received the first artificial heart
implant.
1983 - Sally Ride first woman
to travel into space June 18. Oct.
23, 241 U. S. Marines and sailors
killed by bomb in Marine
headquarters in Beirut. U. S. troops
invaded Granada, to leave two
months later. Compact discs
marketed.
1984 - Ronald Reagan re-elected
president, carrying 49 states.
1985 - TWA jet seized by
terrorists in Athens. Hijackers
seized Italian cruise ship near
Egypt. Pete Rose broke record of
4191 hits set by Ty Cobb in 1928.
Record flood in Pocahontas
County.
1986 - Jan. 28 space shuttle
Challenger exploded, killing six
astronauts and teacher Christa
McAuliffe. Iran-contra scandal.
1987 - First trillion-dollar
budget. Dow Jones finished above
2000, later crashing 508 points.
Reagan and Gorbachev signed pact
to dismantle all missiles with 300-
3,400 mile range.
1988 - George H. Bush elected
president. U. S. Navy warship
mistakenly struck commercial
Iranian airliner, killing 290. Fax
machine.
1989 - Valdez oil spill in
Alaska. Earthquake in San
Francisco Oct. 17. U. S. troops
invaded Panama Dec. 20.
1990 - Operation Desert Shield
forces to Saudi Arabia Aug. 7.
Hubble space telescope launched.
1991 - U. S. and allies defeated
Iran and liberated Kuwait. Dow
Jones finished above 3000.
1992 - Bill Clinton elected
President. Riots in Los Angeles

following trial acquitting white
policemen after trial for beating
black Rodney King; 52 died.
Troops to Somalia. Hurricane
Andrew hits Florida.
1993 - Bomb killed six people
at World Trade Center in New York
City. Janet Reno became first
woman Attorney General. Raid on
Branch Davidian compound at
Waco; four federal agents and 70
compound members died. Great
flood in midwestern states. "Brady"
gun bill.
1994 - Los Angeles earthquake
Jan. 17 killed 61. Baseball players
strike, no World Series.
1995 - Dow Jones average
passed 4,000. Oklahoma City
building bombed April 19 killing
168. Space shuttle Atlantic docked
with Russian space station Mir.
Midwest heat wave killed 800
people. Woman cadet admitted to
The Citadel. O. J. Simpson trial.
"Million Man March" in
Washington Oct. 16. Dow Jones
passed 5,000 Nov. 21.
1996 - Clinton re-elected
president. TWA flight 800
crashed soon after takeoff from New
York, killing 230. Bomb in Saudi
Arabia killed 19 U. S. servicemen.
Bomb at Olympics in Atlanta killed
one. Dow Jones passed 6,000 Oct.
14. Second record flood in
Pocahontas County in January and
seven more flood alerts.
1997 - Seven WWII black
soldiers awarded first Medals of
Honor by President Clinton.
Madeleine Albright first woman
Secretary of State. Liggett Group,
Inc., admitted smoking is addictive.
Red River flood. Timothy McVey
convicted in Oklahoma bombing;
Terry Nichols later convicted on
some charges. July 16 Dow
Jones passed 8,000. *Pathfinder*
landed on Mars July 4. Tobacco
company settlement July 16.
1999 - Dow Jones goes over
11,000. Hurricane Floyd in east,
floods, mud slides in west, snow
storms in northwest, tornadoes in
midwest, drought in east. Several
major airplane losses and several
small plane casualties. Clinton
impeached and acquitted. Internet
growth, use and on-line shopping
outstanding. John F. Kennedy, Jr.,
his wife and her sister killed when
their plane went into the ocean off
Martha's Vineyard. Columbine
High School shootings. Women's
Soccer Team won World Cup. First
non-stop circumnavigation of globe
by balloon. Panama Canal turned
over to Panama. Y2K tension high
as government and industry prepare
for computer changeover to Year
2000. Terrorists threats and fears
near New Year's Eve celebrations.

Martin Luther King, Jr.
Birthday Observed on Monday,
January 17!

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Letters to the Editor

continue. But to take a risk and, maybe, possibly cheat the children of Pocahontas County out of the more essential academic subjects they must have, I feel, is far too risky.

Bill Leary
Torrington, Wyoming

Dear Editor:

In last week's School Talk column, Mr. Kinderman asked the citizens of Pocahontas County to "rid our schools of Ritalin." As appealing as the idea sounded I would have to respond with "not yet."

Ritalin is definitely a problem medicine, but there is a positive side to it that the article neglected.

Mr. Kinderman's argument relied heavily on the views of Dr. Peter Breggin. Breggin has voiced some valid criticisms of our society's handling of children with behavior disorders, but he has failed to note the difference between Behavior Disorder (BD) and Attention-Deficit Hyperactivity Disorder (ADHD).

Not all children with ADHD have bad behavior and not all children with bad behavior have ADHD. The problem is, a lot of kids have both and it's not easy to sort it all out.

The core problem in ADHD is the inability to maintain focus. This leads to restlessness and often on to disruptive behavior. With some training, such a child can learn to stay put, but he will day-dream. Numerous studies (placebo controlled and double-blinded) have demonstrated that Ritalin makes a significant difference in helping such a child to focus, and there are numerous examples of marked improvement in academic performances as a result of Ritalin. But the Ritalin was not given for the behavior, it was given for the lack of focus. Other studies have shown that using behavioral techniques alone to improve focus did not work as well as using Ritalin in addition to behavioral techniques.

Unfortunately, the studies that show the positive effects of Ritalin (in ADHD) have mostly been short term studies. The long term benefits are not so clear yet. Debate is ongoing about whether long-term use of Ritalin actually decreases the risk of later drug abuse.

I also take issue with Dr. Breggin's statement that most ADHD is due to lack of attention from fathers. That certainly can be said for Behavior Disorder but not necessarily for ADHD. I have personal experience with families in which Dad was very closely and appropriately involved with the child (Mom, too) but the ADHD was none-the-less there.

Dr. Breggin stated that "we abuse our children with drugs rather than making the effort to find better ways to meet their needs." Actually, there's a big difference between the dose that's used for treating ADHD and the dose that's used in abuse. Compare 40 mg. with 500 mg.

ADHD is a real problem. There is no doubt that it is over-diagnosed and that inappropriate prescriptions for Ritalin are written. But I believe there is still a place for the judicious, well-controlled usage of Ritalin.

Behavior disorders are also a real problem. Behavior disorders are best treated with a comprehensive

plan that involves parents, teachers, counselors and community. Our local mental health professionals are to be commended for their daily efforts to that end.

Dr. Breggin is right. As a society we need to do much more.
Bob Must, DO
Hillsboro

Dear Editor,

I was greatly appalled to read Gibbs Kinderman's article in last week's paper that portrayed Pocahontas County School teachers as "Drug pushers that prey on fatherless children" and his portrayal of children being treated for ADHD/ADD as "addicts" ("School Talk" 1-6-2000). Gibbs needs to become better educated on the subject of ADHD/ADD, its treatment, and medical protocol, and avoid allowing himself to be educated by sensationalism, mass media, narrow minded individuals, and gossip.

To begin with, in Pocahontas County, and anywhere else in the United States, medication is only prescribed by licensed physicians. Teachers do not prescribe medications nor do they direct physicians to prescribe medications. In most cases, the contact between physician and teacher is minimal or non-existent. If any change needs to be made it should be to increase the level of interaction between physician and teacher so that the physician can become better informed of the illness they are treating.

The "American Journal of Psychiatry" (10-98) states that: "Ritalin is unlikely to become addictive when taken orally. Methylphenidate (Ritalin) does not reach peak concentrations in the brain until 60 minutes after (oral) ingestion, compared with five minutes for cocaine and nine minutes for methylphenidate taken intravenously. The slow intake of oral doses of methylphenidate into the brain protects against the drug's addiction." In addition, physicians will never prescribe Ritalin and suggest that the patient "take as much as you want—until you feel good." It is always prescribed in regulated doses, that, if taken as prescribed, avoids any addiction. Gibbs' portrayal of children being treated for ADHD/ADD as "drug addicts" is a farce.

The "Journal of the American Medical Association" (4-7-98) reports that "the over diagnosis of ADHD/ADD and overprescription of stimulants are exaggerated." They further state that "...3-6 % of school age children have ADHD/

ADD. The percentage of U.S. youth being treated for ADHD/ADD is, at most, at the lower end of this scale." The American Medical Association Council on Scientific Affairs concluded that "...there is little evidence of overdiagnosis or misdiagnosis of ADHD or of widespread overprescription of methylphenidate." The American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorder IV" clearly validates ADHD/ADD as a psychiatric disorder and gives very clear diagnostic criteria. Teachers and parents do not diagnose or medically treat ADHD/ADD. This is only done by physicians, psychiatrists and psychologists.

Currently, in Pocahontas County, as in many communities, Ritalin is being abused at a high level by youth and adults. This abuse comes from the illegal distribution and use of the drug. Our local Family Resource Network (FRN), directed by Karen McNeel, has already begun tackling this problem with the assistance of many local professionals (Gibbs has never attended). This group is working hard to eradicate Ritalin abuse in our county. Their efforts are noble and justified. Gibbs should attend one of these meetings if he would like to get on top of the problem, instead of slandering the school system, and "shooting from the hip" with invalid information.

Solving the Ritalin abuse problem will involve everyone in our community including pharmacists, physicians, parents, teachers, principals and, yes, school board members. Through constructive dialogue and problem solving our FRN is tackling this problem and I have the fullest faith that they will make a difference in our community.

Respectfully submitted,
Jud Worth
Marlinton

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